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IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

FREDERIC R. MILLER,

Plaintiff,

No. CIV S-10-0284 GEB DAD PS

vs.

WELLS FARGO HOME
MORTGAGE, et al.,

Defendants.

ORDER SETTING STATUS
(PRETRIAL SCHEDULING)
CONFERENCE

_____ /

Plaintiff Frederic R. Miller is proceeding pro se with this civil case arising from a foreclosure on real property. On February 3, 2010, the action was removed from the Sacramento County Superior Court by defendant Wells Fargo Home Mortgage. Defendant First American Loanstar Trustee Services joined in and consented to the removal on February 3, 2010. On February 16, 2010, defendant HBA Mortgage, Inc. filed an answer to plaintiff's complaint. No other defendant has appeared. The action was referred to the undersigned pursuant to Local Rule 302(c)(21) for all purposes encompassed by that provision.

In findings and recommendations signed August 30, 2010, the undersigned has recommended that the motions to dismiss filed by defendants Wells Fargo Home Mortgage and First American Loanstar Trustee Services be granted and that plaintiff's claims against those defendants be dismissed without leave to amend. By this order, a status conference is set for

1 further proceedings. If the pending findings and recommendations are adopted, this order will be
2 inapplicable to defendants Wells Fargo Home Mortgage and First American Loanstar Trustee
3 Services.

4 Pursuant to the provisions of Rule 16 of the Federal Rules of Civil Procedure, IT
5 IS ORDERED that:

6 1. A Status (Pretrial Scheduling) Conference is set for **October 29, 2010, at**
7 **11:00 a.m.**, in Courtroom No. 27, before Magistrate Judge Dale A. Drozd.

8 2. Each party shall appear at the Status Conference either by counsel or, if
9 proceeding in propria persona, on his own behalf. Any party may make the required appearance
10 either in person or telephonically. To arrange telephonic appearance, the party shall contact Pete
11 Buzo, the courtroom deputy of the undersigned magistrate judge, at (916) 930-4128 no later than
12 48 hours before the Status (Pretrial Scheduling) Conference.

13 3. Plaintiff shall file and serve a status report on or before **October 15, 2010**, and
14 defendants shall file and serve status reports on or before **October 22, 2010**. Each status report
15 shall address all of the following matters:

- 16 a. Progress of service of process;
- 17 b. Possible joinder of additional parties;
- 18 c. Possible amendment of the pleadings;
- 19 d. Jurisdiction and venue;
- 20 e. Anticipated motions and the scheduling thereof;
- 21 f. Anticipated discovery and the scheduling thereof,
22 including disclosure of expert witnesses;
- 23 g. Future proceedings, including the setting of
24 appropriate cut-off dates for discovery and for law
and motion, and the scheduling of a final pretrial
conference and trial;
- 25 h. Modification of standard pretrial procedures
26 specified by the rules due to the relative simplicity
or complexity of the action;

- 1 i. Whether the case is related to any other case,
2 including matters in bankruptcy;
3 j. Whether the parties will stipulate to the magistrate
4 judge assigned to this matter acting as settlement
5 judge, waiving any disqualification by virtue of his
6 so acting, or whether they prefer to have a
7 Settlement Conference before another magistrate
8 judge;
9 k. Whether the parties intend to consent to proceed
10 before a United States Magistrate Judge; and
11 l. Any other matters that may aid in the just and
12 expeditious disposition of this action.

13 4. The pro se plaintiff is cautioned that a failure to file a timely status report or a
14 failure to appear at the status conference, either in person or telephonically, may result in a
15 recommendation that this case be dismissed for lack of prosecution and as a sanction for failure
16 to comply with court orders and applicable rules. See Local Rules 110 and 183.

17 5. The pro se plaintiff is advised that any defendant who was not served with a
18 summons and a copy of plaintiff's complaint within 120 days from the date on which the
19 complaint was filed shall be dismissed pursuant to Rule 4(m) of the Federal Rules of Civil
20 Procedure.

21 DATED: August 30, 2010.

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23 _____
24 DALE A. DROZD
25 UNITED STATES MAGISTRATE JUDGE
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