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UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

WILLIAM JAMES,  
Plaintiff,  
v.  
COUNTY OF SACRAMENTO,  
Defendant.

No. 2:10-cv-00664-MCE-DAD

**ORDER**

On March 17, 2015, the Court issued an Order to Show Cause (“OSC”) (ECF No. 76) after Plaintiff failed to file his trial documents by the deadline set in the Supplemental Pretrial Order (ECF No. 64), failed to meet and confer with Defendant, and failed to collaborate on a joint set of jury instructions, a joint verdict form, and a joint statement of the case. Plaintiff was given ten days to respond. That same day, Plaintiff filed jury instructions, a verdict form, proposed voir dire questions, his witness list, and his exhibit list.

On March 19, 2015, Defendant filed an unopposed ex parte request to continue the trial date, and the Court subsequently vacated the April 20, 2015 trial date. ECF No. 84. A new trial date was not set.

On March 26, 2015, Plaintiff filed his trial brief and a declaration responding to the OSC. In his declaration, Plaintiff, who is proceeding pro se, explained that he had relied


1 on a paralegal to file his documents by the March 16th deadline and was surprised to  
2 learn that the documents were not filed until the following day and that the trial brief was  
3 not filed at all. Plaintiff did not address why he had failed to meet and confer with  
4 Defendants or prepare a joint set of jury instructions, a joint verdict form, and a joint  
5 statement of the case. Nor did Plaintiff file an individual statement of the case with the  
6 Court.

7 Despite this, the Court will not dismiss this action given Plaintiff's quick response,  
8 the apparent clerical error that caused the delay in filing, and Plaintiff's pro se status.  
9 However, Plaintiff is ordered to meet and confer with Defendant prior to the new trial  
10 date and to prepare and file with the Court a joint set of jury instructions, a joint verdict  
11 form, and a joint statement of the case two weeks prior to the new trial date. Failure to  
12 do so could lead to sanctions, up to and including, dismissal of this action.

13 The trial for this action is hereby set for **January 11, 2016**. Therefore, the jointly  
14 prepared documents shall be due not later than December 28, 2015. The pending  
15 motions in limine (ECF No. 66) are VACATED AS MOOT. Evidentiary or procedural  
16 motions for the January 11, 2016 trial must be filed by December 21, 2015.

17 IT IS SO ORDERED.

18 Dated: April 20, 2015

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22 MORRISON C. ENGLAND, JR., CHIEF JUDGE  
23 UNITED STATES DISTRICT COURT  
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