

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

HEATHER DELUZ,

Plaintiff,

No. CIV S-10-0809 GEB DAD PS

VS.

THE LAW OFFICE OF FREDERICK
S. COHEN, et al.,

ORDER SETTING STATUS
(PRETRIAL SCHEDULING) CONFERENCE

Defendants.

Plaintiff, proceeding pro se, has filed an action under 42 U.S.C. § 1983 alleging the deprivation of constitutional rights. Plaintiff paid the required filing fee, and the Clerk issued summons. The action has been referred to the undersigned pursuant to Local Rule 302(c)(21) for all purposes encompassed by that rule.¹

Pursuant to the provisions of Rule 16 of the Federal Rules of Civil Procedure, IT

IS ORDERED that:

1. A Status (Pretrial Scheduling) Conference is set for **Friday, August 6, 2010, at 11:00 a.m.**, in Courtroom No. 27, before the undersigned.

¹ If all parties consent, the assigned Magistrate Judge is available to conduct all proceedings in this case. A party choosing to consent may complete a consent form and return it to the Clerk at any time. Neither the magistrate judge nor the district judge handling the case will be notified of the filing of consent forms, unless all parties have filed consent forms.

2. Plaintiff is advised that Rule 4(m) of the Federal Rules of Civil Procedure provides that **an action may be dismissed against any defendant on whom service of process has not been completed within 120 days from the date the complaint was filed**. In order to ensure compliance with the 120-day time limits specified in Rules 4(m) and 16(b), **plaintiff is strongly encouraged to complete service of process on each defendant within 90 days of the date of filing her complaint**.

3. Concurrently with service of process on the defendants, or as soon thereafter as possible, plaintiff shall serve upon each defendant and upon all parties subsequently joined, including impleaded third-party defendants, a copy of this order, and plaintiff shall promptly file with the Clerk of the Court a certificate reflecting proper service of this order on each defendant.

4. Plaintiff shall also serve on each defendant a copy of the Notice of Availability of Magistrate Judge and a copy of the consent form issued to plaintiff by the Clerk on April 6, 2010.

5. Each party shall appear at the Status Conference by counsel or, if proceeding in propria persona, on his or her own behalf. Any party may appear at the status conference telephonically if the party pre-arranges such appearance by contacting Pete Buzo, the courtroom deputy of the undersigned magistrate judge, at (916) 930-4128, no later than 48 hours before the Status (Pretrial Scheduling) Conference.

6. Plaintiff shall file and serve a status report on or before **July 23, 2010**, and defendants shall file and serve a status report or status reports on or before **July 30, 2010**.

7. Each party's status report shall address all of the following matters:

- a. Progress of service of process;
- b. Possible joinder of additional parties;
- c. Any expected or desired amendment of the pleadings;
- d. Jurisdiction and venue;

- e. Anticipated motions and the scheduling thereof;
- f. Anticipated discovery and the scheduling thereof, including disclosure of expert witnesses;
- g. Future proceedings, including the setting of appropriate cut-off dates for discovery and for law and motion, and the scheduling of a final pretrial conference and trial;
- h. Modification of standard pretrial procedures specified by the rules due to the relative simplicity or complexity of the action;
- i. Whether the case is related to any other case, including matters in bankruptcy;
- j. Whether the parties will stipulate to the assigned magistrate judge acting as settlement judge, waiving any disqualification by virtue of his so acting, or whether they prefer to have a Settlement Conference before another magistrate judge;
- k. Whether the parties intend to consent to proceed before a United States Magistrate Judge; and
- l. Any other matters that may aid in the just and expeditious disposition of this action.

8. Plaintiff is cautioned that failure to file a timely status report or failure to status conference may result in a recommendation that this case be dismissed for non-compliance and as a sanction for failure to comply with court orders and applicable rules.

See Local Rules 110 and 183.

DATED: April 7, 2010.

Dale A. Drozd
DALE A. DROZD
UNITED STATES MAGISTRATE JUDGE

DAD:kw