UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF CALIFORNIA

JIMMY ST. CLAIR,

Plaintiff,

v.

STAN SCHLACHTER,

Defendant.

No. 2:13-cv-00804-KJM-DAD PC

ORDER

Plaintiff Jimmy St. Clair, a prisoner proceeding pro se, has filed this civil rights action seeking relief under 42 U.S.C. § 1983. On March 30, 2015, the court issued an order adopting the magistrate judge's findings and recommendations with clarifications and denying plaintiffs' motion for summary judgment without prejudice. Order, ECF No. 37. In the same order the court instructed the parties to meet and confer and file a joint statement of their views "whether plaintiff's motion for partial summary judgment should be renewed or, instead whether this action should proceed to pretrial conference and jury trial." *Id.* at 3.

The parties filed their joint statement on April 27, 2015. ECF No. 39. Plaintiff reported his intent to file a renewed motion for summary judgment because he believes defendant cannot show a genuine dispute as to any fact material to defendant's liability. *Id.* at 2. Defendant requested the case proceed to trial and reported his intent at minimum to submit a declaration

denying statements in plaintiff's previous declaration. *Id.* In the joint report defendant also denied all of plaintiff's allegations "relating to the alleged assault." *Id.*

The court therefore orders as follows:

(1) Having reviewed the parties' joint statement and in partial reconsideration of its order issued March 30, 2015, the court has determined that plaintiff's claims and the status of the case warrant appointment of counsel. The court refers this case to the court's ADR and Pro Bono Coordinator, Sujean Park, for identification of counsel to represent plaintiff and appear at the status conference set below.

(2) The case is set for status before the undersigned on June 25, 2015, at 2:30 p.m. By seven days before the status conference, the parties may file a new joint statement providing an update on any of the information contained in the statement filed April 27, 2015.

IT IS SO ORDERED.

DATED: May 18, 2015.

UNITED STATES DISTRICT JUDGE