

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

SCOTT JOHNSON.

No. 2:13-cv-0894-MCE-KJN PS

Plaintiff,

ORDER

BUTA SINGH, et al.,

Defendants.

On September 9, 2014, defendant Ramawatar Sah, then represented by counsel, filed an answer to the second amended complaint. (ECF No. 29.) On September 29, 2014, the District Judge assigned to this case issued an order granting defendant Sah's counsel's motion to withdraw from representation in this action. (ECF No. 32.) The grant of this motion left defendant Sah proceeding *pro se* in this matter. (*Id.* at 3.) To date, no other defendant named in the second amended complaint has made an appearance in this case. Based on the record, it appears that all defendants that have made an appearance in this action are proceeding *in propria persona*. Accordingly, this action has been assigned to the undersigned for all appropriate pre-trial proceedings pursuant to Local Rule 302(c)(21).

On January 21, 2015, plaintiff filed a motion to compel defendant Sah to provide initial responses to interrogatories and document requests propounded by plaintiff. (ECF No. 37.)

1 However, this motion is premature. Under the Federal Rules of Civil Procedure, parties to an
2 action “may not seek discovery from any source before the parties have conferred as required by
3 Rule 26(f),” unless the parties have stipulated to conduct discovery at an earlier time. Fed. R.
4 Civ. P. 26(d). As of this date, the court has not held an initial scheduling conference, or even set
5 one for a hearing. Furthermore, there is no indication that the parties have stipulated to permit
6 discovery at an earlier time. Consequently, plaintiff’s motion is denied without prejudice as
7 premature.

8 Because no initial scheduling conference has been scheduled as of this time, the court
9 shall set such a conference through this order. Accordingly, an initial scheduling conference is
10 set for Thursday March 5, 2015, at 10:00 a.m., in Courtroom No. 25 before the undersigned.

11 In light of the above, IT IS HEREBY ORDERED that:

12 1. Plaintiff’s motion to compel (ECF No. 37) is DENIED without prejudice as premature.
13 2. A status (pre-trial scheduling) conference is set for Thursday **March 5, 2015**, at 10:00
14 a.m., in Courtroom No. 25 before the undersigned. All parties shall appear by counsel or in
15 person if acting without counsel.

16 3. Not later than fourteen (14) days prior to the status conference, the parties shall meet
17 and confer, and file a joint status report briefly describing the case and addressing the following:

- 18 a. Service of process;
- 19 b. Possible joinder of additional parties;
- 20 c. Any expected or desired amendment of the pleadings;
- 21 d. Jurisdiction and venue;
- 22 e. Anticipated motions and their scheduling;
- 23 f. The report required by Fed. R. Civ. P. 26 outlining the proposed discovery
24 plan and its scheduling, including disclosure of expert witnesses;
- 25 g. Future proceedings, including setting appropriate cut-off dates for
26 discovery and law and motion, and the scheduling of a pretrial conference and trial;
- 27 h. Special procedures, if any;
- 28 i. Estimated trial time;

j. Modifications of standard pretrial procedures due to the simplicity or complexity of the proceedings;

k. Whether the case is related to any other cases, including bankruptcy;

1. Whether a settlement conference should be scheduled;

m. Whether counsel will stipulate to the undersigned acting as settlement judge and waive disqualification by virtue of his so acting, or whether they prefer to have a settlement conference conducted before another judge; and

n. Any other matters that may add to the just and expeditious disposition of this matter.

4. *Failure to obey the Federal Rules of Civil Procedure, this court's Local Rules,¹ or an order of this court, may result in dismissal of the action or a judgment of default, monetary sanctions, and/or any other appropriate sanctions.* Although the court liberally construes the pleadings and filings of *pro se* litigants, they are required to abide by all deadlines and procedural requirements.

IT IS SO ORDERED.

Dated: February 3, 2015

Kendall J. Newman
KENDALL J. NEWMAN
UNITED STATES MAGISTRATE JUDGE

¹ A copy of the court's Local Rules may be obtained from the Clerk's Office or on the court's website at <http://www.caed.uscourts.gov/caednew/index.cfm/rules/local-rules/>.