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8 UNITED STATES DISTRICT COURT  
9 FOR THE EASTERN DISTRICT OF CALIFORNIA  
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11 SCOTT JOHNSON,

12 Plaintiff,

13 v.

14 BUTA SINGH, et al.,

15 Defendants.  
16

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

ORDER

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

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

- 1 j. Modifications of standard pretrial procedures due to the simplicity or  
2 complexity of the proceedings;
- 3 k. Whether the case is related to any other cases, including bankruptcy;
- 4 l. Whether a settlement conference should be scheduled;
- 5 m. Whether counsel will stipulate to the undersigned acting as settlement  
6 judge and waive disqualification by virtue of his so acting, or whether they prefer to have a  
7 settlement conference conducted before another judge; and
- 8 n. Any other matters that may add to the just and expeditious disposition of  
9 this matter.

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

15 IT IS SO ORDERED.

16 Dated: February 3, 2015

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18 KENDALL J. NEWMAN  
19 UNITED STATES MAGISTRATE JUDGE

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<sup>1</sup> 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/>.