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UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

HARRISON BURTON,  
Plaintiff,  
v.  
F. FOULK, et al.,  
Defendants.

No. 2:13-cv-2123 JAM DB P

ORDER

Plaintiff, a state prisoner proceeding pro se and in forma pauperis, has filed this civil rights action seeking relief under 42 U.S.C. § 1983. The matter was referred to a United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

Before this court are plaintiff’s motion requesting that writs be issued for witnesses at trial and plaintiff’s motion in limine requesting that impermissibly inflammatory evidence about him be excluded at trial. (See ECF Nos. 57, 58). In addition, plaintiff has filed a “request to prosecute pretrial matters.” (ECF No. 61). For the reasons stated below, the motions will be denied as premature. The court has also considered plaintiff’s request to prosecute.

Defendants’ motion for summary judgment was granted in part and denied in part on November 14, 2019. (ECF No. 50). As a result, this matter was proceeding to trial on plaintiff’s remaining claims. Shortly thereafter, in March 2020, federal courts were shut down due to the COVID-19 pandemic, and all calendared civil and criminal jury trials in this district were

1 continued pending further order of the court. See General Order No. 611 (E.D. Cal. Mar. 16,  
2 2020). These facts, coupled with the recent resurgence of the virus in the State of California,<sup>1</sup>  
3 have served to impede the normal progression of judicial proceedings significantly.

4 Given these facts, as well as the time that has elapsed since the court's ruling on  
5 defendants' motion for summary judgment, the parties may wish to consider the option of settling  
6 the matter in lieu of proceeding to trial. To that end, under separate order, the court shall direct  
7 the parties to do so. For this reason, plaintiff's motion for writ of habeas corpus ad testificandum  
8 and his motion in limine shall be denied as premature.

9 Accordingly, IT IS HEREBY ORDERED that:

- 10 1. Plaintiff's motion for writ of habeas corpus ad testificandum (ECF No. 57) is  
11 DENIED as premature, and  
12 2. Plaintiff's motion in limine (ECF No. 58) is DENIED as premature.

13 Dated: November 30, 2020

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17 DEBORAH BARNES  
UNITED STATES MAGISTRATE JUDGE

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19 DB/ORDERS/ORDERS.PRISONER.CIVIL RIGHTS/burt2123.whcat.mil.den  
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27 <sup>1</sup> See Office of Governor Gavin Newsom, State Issues Limited Stay at Home Order to Slow  
28 Spread of COVID-19, CA.Gov (Nov. 19, 2020), <https://www.gov.ca.gov/2020/11/19/state-issues-limited-stay-at-home-order-to-slow-spread-of-covid-19/>.