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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

SEAN O’NEAL,
Plaintiff,
v.
AUGUST JOHNSON, et al.,
Defendants.

No. 2:14-cv-2374 DB PS

ORDER

This matter was previously set for a jury trial before the undersigned on September 25, 2017. On September 15, 2017, plaintiff filed a notice of motion in limine, and noticed the motion for hearing before the undersigned on September 25, 2017.¹ (ECF No. 195.) However, on September 11, 2017, the jury trial in this action was continued to December 4, 2017. (ECF No. 192.) And September 25, 2017, is not an available law and motion date. Moreover, the August 1, 2017 Final Pretrial Order required only that any motion in limine be filed “**no later than fourteen days prior to the start of trial . . .**” (ECF No. 181 at 4.) In this regard, motions in limine need not be noticed for hearing.

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¹ The parties have consented to Magistrate Judge jurisdiction over this action pursuant to 28 U.S.C. § 636(c)(1). (ECF No. 16.)

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Accordingly, IT IS HEREBY ORDERED that:

1. The September 25, 2017 hearing of plaintiff's motion in limine is vacated; and
2. Plaintiff shall either re-notice the motion for hearing on an available law and motion calendar or refile the motion in limine, without noticing it for hearing, at least two weeks prior to the start of trial on December 4, 2017.

DATED: September 20, 2017

/s/ DEBORAH BARNES
UNITED STATES MAGISTRATE JUDGE

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