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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

TOMOTHY RAY BAKER,
Plaintiff,
v.
J. MACOMBER, et al.,
Defendants.

No. 2:15-cv-0248 TLN AC P
ORDER

Plaintiff is a state prisoner currently incarcerated at Salinas Valley State Prison under the authority of the California Department of Corrections and Rehabilitation (CDCR). Plaintiff proceeds pro se with his original complaint alleging the violation of his civil rights by sole defendant California State Prison Sacramento (CSP-SAC) Correctional Officer J. McCowan. Plaintiff pursues claims of excessive force and deliberate indifference to plaintiff’s serious medical needs.

This case is scheduled for trial before District Judge Troy L. Nunley, commencing May 20, 2019, at 9:00 a.m. See ECF No. 105. A writ ad testificandum has issued to obtain plaintiff’s presence at trial. See ECF No. 112.

The purpose of this order is two-fold. First, plaintiff must file and serve his own separate pretrial statement. Although the undersigned encouraged the assistance of plaintiff’s formerly appointed counsel, as well as defense counsel, to work with plaintiff in the preparation of a joint pretrial statement, see ECF Nos. 113, 115, neither attorney did so, see e.g. ECF No. 116 at 1 n.1.

1 Defense counsel has now filed and served a separate pretrial statement on behalf of defendant
2 McCowan. See ECF No. 116. Therefore, plaintiff will be directed to file and serve his own
3 pretrial statement on or before Monday, April 1, 2019; no extensions of time will be permitted.
4 Plaintiff's pretrial statement shall address each of the matters set forth in Local Rule 281(b); to
5 the extent that plaintiff agrees with the contents of defendant's separate pretrial statement, he may
6 simply say so. No exhibits shall be submitted at this time.

7 Second, plaintiff again requests the appointment of counsel to represent him at trial. ECF
8 No. 117. For the reasons previously stated by the court, see ECF No. 115, plaintiff's request will
9 again be denied without prejudice.

10 Accordingly, IT IS HEREBY ORDERED that:

11 1. Plaintiff shall file and serve his separate pretrial statement on or before Monday, April
12 1, 2019; no extension of times of time will be permitted.

13 2. Plaintiff's request for appointment of counsel, ECF No. 117, is denied without
14 prejudice.

15 DATED: March 12, 2019

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17 ALLISON CLAIRE
18 UNITED STATES MAGISTRATE JUDGE
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