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UNITED STATES DISTRICT COURT

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EASTERN DISTRICT OF CALIFORNIA

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Nathaniel Smith,

No. 2:15-cv-00363-GEB-AC

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Plaintiff,

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v.

**ORDER CONTINUING STATUS
(PRETRIAL SCHEDULING) ORDER**

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City of Stockton; Officer

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Mayer, Officer Robin

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Harrison, Officer Michael

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Perez, and former Chief of

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Police Blair Ullring, in

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their individual capacities;

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and Chief of Police Eric

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Jones, in his official

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capacity,

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Defendants.

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Plaintiff states in the Joint Status Report ("JSR")

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filed May 4, 2015, as follows:

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Plaintiff anticipates amending the complaint to add Chief Jones in his individual capacity (currently named only in his official capacity), and the parties are currently meeting and conferring regarding former Chief Ullring's status in the case, which may result in amendment to the pleadings. The parties propose that such amendment take place after the Court reaches a decision regarding the pending motion to dismiss.¹

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(JSR 2:4-8, ECF No. 17.)

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¹ The referenced dismissal motion was referred to the bankruptcy court under 28 U.S.C. § 157(a) on May 6, 2015. (See ECF No. 18.)

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1 These statements fail to comply with Plaintiff's
2 obligation under Rule 16 to provide meaningful information on
3 when the referenced amendments would be sought.

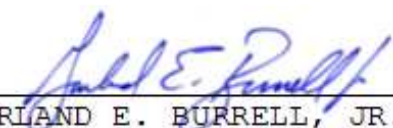
4 Parties anticipating possible
5 amendments. . . have an unflagging obligation
6 to alert the Rule 16 scheduling judge of the
7 . . . timing of such anticipated amendments
8 in their status reports so that the judge can
9 consider whether such amendments may properly
be sought solely under the Rule 15(a)
standard, and whether structuring discovery
pertinent to the parties' decision whether to
amend is feasible.

10 Jackson v. Laureate, Inc., 186 F.R.D. 605, 608 (E.D. Cal. 1999)
11 (internal quotation marks omitted).

12 Therefore, the Status (Pretrial Scheduling) Conference
13 set for May 18, 2015, is continued to June 8, 2015, at 9:00 a.m.
14 A further joint status report shall be filed no later than
15 fourteen (14) days prior to the Status Conference, in which
16 Plaintiff shall address the anticipated timing of the referenced
17 amendments. Plaintiff shall also address in the further joint
18 status report his efforts to prosecute this action against
19 Defendant Mayer, who has not yet appeared in this action.

20 IT IS SO ORDERED.

21 Dated: May 12, 2015

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24 _____
GARIAND E. BURRELL, JR.
25 Senior United States District Judge
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