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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

DIANTAE HOGAN,
Plaintiff,
v.
CITY OF SACRAMENTO, et al.,
Defendants.

No. 2:15-cv-1933-KJM-KJN PS

ORDER

On February 3, 2016, the assigned district judge, Judge Mueller, issued a pretrial scheduling order providing, *inter alia*, that all discovery shall be completed by October 14, 2016; dispositive motions shall be heard no later than November 18, 2016; and setting a final pretrial conference and trial before Judge Mueller on April 21, 2017, and June 5, 2017, respectively. (ECF No. 11.)

Thereafter, on August 25, 2016, Judge Mueller granted plaintiff’s counsel’s motion to withdraw, and referred the action to the undersigned as the assigned magistrate judge for future proceedings under Local Rule 302(c)(21). (ECF No. 16.)

Because Judge Mueller’s August 25, 2016 order did not vacate the operative scheduling order, and neither party requested a continuance of the scheduling order, the time for discovery and dispositive motion practice has now passed. The only operative dates that remain are for the

1 final pretrial conference and trial, which remain set before Judge Mueller.

2 Nevertheless, because neither plaintiff nor defendants have made any filing with the court
3 since plaintiff's counsel was permitted to withdraw, it is unclear whether plaintiff intends to
4 proceed to trial without counsel, whether plaintiff is attempt to locate counsel for purposes of
5 trial, and/or whether the parties are amenable to conducting a settlement conference prior to trial.
6 Thus, the court finds it beneficial to conduct a status conference in this matter.

7 Accordingly, IT IS HEREBY ORDERED that:

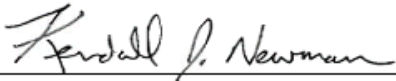
- 8 1. A status conference is set for Thursday January 19, 2017, at 10:00 a.m., in Courtroom
9 No. 25 before the undersigned.
- 10 2. No later than January 12, 2017, the parties shall file a joint status report addressing the
11 following issues:
 - 12 (a) Whether plaintiff intends to continue prosecuting this case
 - 13 (b) If plaintiff intends to continue prosecuting this case, whether plaintiff intends to
14 proceed to trial with or without counsel, and if with counsel, the status of
15 plaintiff's efforts to obtain counsel
 - 16 (c) Whether the parties are amenable to a settlement conference before trial, either
17 conducted by the undersigned (with an appropriate waiver of any disqualification
18 by virtue of acting as the settlement judge and the assigned magistrate judge) or
19 before another magistrate judge
 - 20 (d) Whether or not the dates of the final pretrial conference and trial before Judge
21 Mueller should potentially be continued.
- 22 3. Failure to meaningfully participate in preparation of the joint status report and/or
23 failure to appear at the status conference may result in the imposition of sanctions,
24 including dismissal of the action pursuant to Federal Rule of Civil Procedure 41(b).
- 25 4. The parties are cautioned that unless and until the dates of the final pretrial conference
26 and trial are continued by a subsequent court order, they should consider those dates
27 firm.

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IT IS SO ORDERED.

Dated: December 15, 2016


KENDALL J. NEWMAN
UNITED STATES MAGISTRATE JUDGE