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UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

DAVID KAY WIENS,  
Plaintiff,  
v.  
U.S. OF AMERICA VETERANS  
HOSPITAL,  
Defendant.

No. 2:17-cv-2438 MCE DB PS

ORDER

Plaintiff David Wiens is proceeding pro se. The Clerk has issued summons and the case has been referred to the undersigned pursuant to Local Rule 302(c)(21).

Good cause appearing, IT IS ORDERED that:

1. A Status (Pretrial Scheduling) Conference is set for **Friday, March 16, 2018, at 10:00 a.m.** at the United States District Court, 501 I Street, Sacramento, California, in Courtroom No. 27 before the undersigned;
2. Within fourteen (14) days after plaintiff is served with this order, plaintiff shall serve upon the defendant one copy of this order, as well as a copy of the Notice of Availability of a Magistrate Judge and the related form that were served on plaintiff by the Clerk on November 20, 2017; within five (5) days after serving the required copies on the defendant, plaintiff shall file a certificate of service indicating the date and manner of service of the copies on the defendant;

1           3. All parties are required to appear at the Status Conference, either by counsel or, if  
2 proceeding in propria persona, on his or her own behalf. Any party may appear at the status  
3 conference telephonically if the party pre-arranges such appearance by contacting Pete Buzo, the  
4 courtroom deputy of the undersigned magistrate judge, at (916) 930-4128, no later than 48 hours  
5 before the Status (Pretrial Scheduling) Conference; a party may not appear telephonically over a  
6 cellphone.

7           4. Plaintiff shall file and serve a status report on or before **March 2, 2018**, and defendant  
8 shall file and serve a status report on or before **March 9, 2018**. Each party's status report shall  
9 address all of the following matters:

- 10           a. Progress of service of process;
- 11           b. Possible joinder of additional parties;
- 12           c. Possible amendment of the pleadings;
- 13           d. Jurisdiction and venue;
- 14           e. Anticipated motions and the scheduling thereof;
- 15           f. Anticipated discovery and the scheduling thereof, including  
16 disclosure of expert witnesses;
- 17           g. Future proceedings, including the setting of appropriate cut-off  
18 dates for discovery and for law and motion, and the scheduling of a  
19 final pretrial conference and trial;
- 20           h. Modification of standard pretrial procedures specified by the rules  
21 due to the relative simplicity or complexity of the action;
- 22           i. Whether the case is related to any other case, including matters in  
23 bankruptcy;
- 24           j. Whether the parties will stipulate to the magistrate judge assigned  
25 to this matter acting as settlement judge, waiving any  
26 disqualification by virtue of his so acting, or whether they prefer to  
27 have a Settlement Conference before another magistrate judge;
- 28           k. Whether the parties intend to consent to proceed before a United  
States Magistrate Judge; and
- l. Any other matters that may aid in the just and expeditious  
disposition of this action.

          5. Plaintiff is advised that failure to file a timely status report, or failure to appear at the  
status conference either in person or telephonically, may result in a recommendation that this

1 action be dismissed for lack of prosecution and as a sanction for failure to comply with court  
2 orders and applicable rules. See Local Rules 110 and 183; and

3 6. Plaintiff is cautioned that Rule 4(m) of the Federal Rules of Civil Procedure provides  
4 that a defendant must be dismissed if service of the summons and complaint is not accomplished  
5 on the defendant within 90 days after the complaint was filed.<sup>1</sup>

6 Dated: February 9, 2018

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9 DEBORAH BARNES  
10 UNITED STATES MAGISTRATE JUDGE

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<sup>1</sup> However, the court may extend the time for service upon a showing a good cause.