

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA**

JOSEPH ROBINSON,
Plaintiff,
v.
KENNETH BRYANT,
Defendant.

No. 2:20-CV-1189-DMC

ORDER

Plaintiff, who is proceeding pro se, brings this civil action. Pursuant to the written consent of all parties, this case is before the undersigned as the presiding judge for all purposes, including entry of final judgment. See 28 U.S.C. § 636(c); see also ECF No. 25 (District Judge order reassigning action). Pending before the Court is Plaintiff’s request for a scheduling conference, ECF No. 36, which the Court construes as a motion.

In his motion, Plaintiff states that the filing of a third amended complaint supersedes the original complaint which is the subject of Defendant’s pending motion to dismiss. Plaintiff concludes, therefore, that the matter is appropriate for scheduling. As explained in orders issued herewith, Plaintiff’s various amended complaints are defective. This action proceeds on the original complaint and, for this reason, Defendant’s motion to dismiss has not been rendered moot. Until Defendant has been ordered to file an answer in this action, a scheduling conference would be premature.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

Accordingly, IT IS HEREBY ORDERED that:

1. Plaintiff's request, ECF No. 36, is construed as a motion for a scheduling conference; and
2. So construed, Plaintiff's motion is denied.

Dated: January 7, 2021



DENNIS M. COTA
UNITED STATES MAGISTRATE JUDGE