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**\*E-FILED - 10/20/08\***

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

DAVID LITMON, JR.,  
  
  Plaintiff,  
  
vs.  
  
SANTA CLARA COUNTY, et al.,  
  
  Defendants.

No. C 00-20345 RMW (PR)  
  
ORDER REFERRING CASE TO  
FEDERAL PRO BONO PROJECT;  
INSTRUCTIONS TO CLERK

Plaintiff, formerly a California civil detainee, filed a pro se civil rights complaint under 42 U.S.C. § 1983. On May 29, 2008, the court denied defendants’ motion for summary judgment in part as to the following claims: (1) claims for the violation of plaintiff’s rights to due process and equal protection based upon his detention with the general prison population in the county jail while awaiting commitment proceedings, as to defendants Santa Clara County, Ryan, King, and Vasquez; and (2) claims for the violation of plaintiff’s right to due process based on the use of force against him on May 14, 2000, as to defendants Smith and Carter. Defendants’ motion for summary judgment was granted as to all other claims. The court also referred the instant case to the court’s Pro Se Prisoner Settlement Program and stayed the case pending settlement proceedings. On September 30, 2008, Magistrate Judge Vadas reported that the case did not settle. As neither dispositive motions nor settlement

1 proceedings have fully resolved the claims in this case, this matter is ready for trial.

2 1. Plaintiff, being in need of counsel to assist him, this matter being ready for trial  
3 and Plaintiff being incarcerated, and good and just cause appearing,

4 a. plintiff is hereby referred to the Federal Pro Bono Project for location of  
5 counsel;<sup>1</sup>

6 b. upon an attorney being located to represent Plaintiff, that attorney shall be  
7 appointed as counsel for Plaintiff in this matter until further order of the Court; and

8 c. all proceedings in this action are stayed until four weeks from the date an  
9 attorney is appointed to represent Plaintiff in this action. Once an attorney is appointed, the  
10 Court will schedule a status conference to set pretrial and trial dates.

11 2. Defendants' recent proof of service papers, as well as a notice of change of  
12 address filed in another case of plaintiff's (No. 03-3996 RMW) indicate that his current address  
13 is:

14 David Litmon, Jr.  
15 32314 Ruth Court  
16 Union City, CA 94587

17 The clerk shall update plaintiff's address on the docket in this matter to reflect the above address.

18 In the future, plaintiff **shall notify the court in this matter of any changes of address; his  
19 failure to do so will result in the dismissal of this case pursuant to Local Rule 3.11.**

19 IT IS SO ORDERED.

20 DATED: 10/17/08

  
21 RONALD M. WHYTE  
22 United States District Judge  
23  
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27 \_\_\_\_\_  
28 <sup>1</sup>The court indicated in the May 29, 2008 order that if settlement proceedings did not  
resolve this case, it would be referred to the Federal Pro Bono Project for appointment of  
counsel.