

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDACASE NO. 07-21728-Civ-GOLD
MAGISTRATE P. A. WHITE

ERLIS JEAN-BAPTISTE, :
 Plaintiff, :
 v. :
 JOSE GUTIERREZ, :
 Defendant. :

REPORT THAT CASE IS
READY FOR TRIAL

In this *pro se* civil rights action pursuant to 42 U.S.C. §1983, a separate Report has been entered this date, recommending, for reasons stated therein, that the defendant Gutierrez's Motion for Summary Judgment (DE#37) be denied, and that the case proceed on the plaintiff Jean-Baptiste's claim that he was subjected to the use of excessive force, when, during the course of his arrest on July 24, 2003, Gutierrez shot him multiple times. In conjunction with this Report, an Order is also being entered with instructions requiring the plaintiff to file an amended pretrial statement, as he was previously directed to do, and instructing the defendant thereafter to file his pretrial statement. The case is otherwise now at issue; and the parties have not consented to trial before a Magistrate Judge pursuant to 28 U.S.C. §636(c).

It is therefore respectfully recommended that this case be placed on the trial calendar of the District Judge.

Dated: February 20th, 2009.



UNITED STATES MAGISTRATE JUDGE

cc: The Honorable Alan S. Gold,
 United States District Judge

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