

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

CARLOS NAVARRO,	)	8:07CV381
	)	
Plaintiff,	)	
	)	
v.	)	<b>MEMORANDUM</b>
	)	<b>AND ORDER</b>
TYSON FRESH MEATS, Inc., a	)	
subsidiary of,	)	
	)	
Defendant.	)	

This matter is before the court on its own motion. On September 3, 2008, upon the withdrawal of Plaintiff’s counsel, this matter was referred to the pro se docket. (Filing No. 50, Text-Only Order.) At that time, Magistrate Judge Piester was assigned to the matter and Magistrate Judge Thalken was no longer assigned.

This matter was previously set for Final Pretrial Conference on October 20, 2008 and for trial on November 17, 2008. (Filing No. [20](#)). However, due to the change in the Magistrate Judge assignment, those dates are rescheduled as set forth below. In addition, pending before the court is Defendant’s Motion for Summary Judgment. (Filing No. [43](#).) Plaintiff shall be given an additional 30 days, until November 24, 2008, in which to respond to the Motion. In the event that Plaintiff fails to file a response, the court will rule on the Motion without further notice.

IT IS THEREFORE ORDERED that:

1. This matter is now assigned to Magistrate Judge Piester. The Clerk of the court shall send a copy of this order to Magistrate Judge Piester.
2. On the court’s own motion, Plaintiff shall have until **November 24, 2008** to respond to Defendant’s Motion for Summary Judgment. In the event that Plaintiff

fails to file a response, the court will rule on the Motion without further notice.

3. The October 20, 2008 Final Pretrial Conference date and the November 17, 2008 trial date are cancelled.

4. The Final Pretrial Conference is rescheduled as follows:

- a. Defense counsel will have the primary responsibility for drafting the Order on Final Pretrial Conference, pursuant to the format and requirements set out in [NECivR 16.2\(a\)\(2\)](#). The plaintiff will be responsible for cooperating in the preparation and signing of the final version of the Order. The Order should be submitted to the plaintiff and to any other parties by **January 30, 2009**. The plaintiff shall provide additions and/or proposed deletions to Defense counsel by **February 12, 2009**. Defense counsel shall submit the Proposed Order on Final Pretrial Conference to the court by no later than **February 27, 2009**. If a party proposes an addition or deletion which is not agreed to by all the other parties, that fact should be noted in the text of the document. The Proposed Order on Final Pretrial Conference must be signed by all pro se parties and by counsel for all represented parties.
- b. The Final Pretrial Conference will be held before Magistrate Judge David L. Piester on **March 6, 2009 at 10:00 a.m.** Prior to the pretrial conference, all items as directed in [NECivR 16.2](#) and full preparation shall have been completed so that trial may begin at any time following the Pretrial Conference.
- c. If a plaintiff is held in an institution, the pretrial conference will be by telephone. In that case, Defense counsel shall contact the

plaintiff's institution in advance and arrange to initiate and place the conference call.

5. The trial date will be set by Magistrate Judge Piester at the time of the Final Pretrial Conference.

6. The Clerk of the court is directed to set a pro se case management deadline in this case using the following text: Pretrial conference before Magistrate Judge Piester to be held on March 6, 2009.

October 24, 2008.

BY THE COURT:

s/ Joseph F. Bataillon  
Chief United States District Judge