

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION AT DAYTON

ERIC D. WHEELER,

Plaintiff,

vs.

DAYTON POLICE DEPARTMENT, *et al.*,

Defendants.

Case No. 3:13-CV-300

District Judge Thomas M. Rose  
Magistrate Judge Michael J. Newman

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**ORDER FOR PRELIMINARY PRE-TRIAL CONFERENCE**

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This *pro se* case was referred to the undersigned U.S. Magistrate Judge under 28 U.S.C. § 636(b). *See* General Order No. Day 12-03: Assignment and Reference to Magistrate Judges (eff. May 15, 2012). Accordingly, the undersigned, pursuant to Fed. R. Civ. P. 16, hereby schedules the preliminary pre-trial conference in this case for **Friday, December 20, 2013 at 2:00 p.m.** *Pro se* Plaintiff and counsel for Defendant are directed to call 1-877-336-1839, enter access code 2725365 and security code 122013, and wait for the Court to join the conference.

If the above-listed date or time conflicts with a previously set matter in another court, counsel with the conflict may obtain a continuance by filing a motion that includes alternative dates on which all parties will be available.

Under Fed. R. Civ. P. 26, all parties to this case are required to: (1) make Initial Disclosures as required by Rule 26(a); and (2) confer with the other parties to plan discovery under Rule 26(f). Because Plaintiff is a *pro se* litigant, Defendants' counsel is directed to initiate the telephone call to Plaintiff to plan discovery under Rule 26(f).

The discovery conference must be held at least twenty-one days before the pre-trial conference with the Court. *See* Fed. R. Civ. P. 26(f). Not later than fourteen days after the discovery conference, the parties must submit the “Rule 26(f) Report of the Parties” to the Court in the form shown on the Court’s website. Unless otherwise agreed in the Rule 26(f) Report, the parties must make the disclosures required by Fed. R. Civ. P. 26(a)(1) not later than fourteen days after the discovery conference. **Rule 26(a)(1) Initial Disclosures are NOT to be filed with the Court.** It is only necessary to file the Rule 26(f) Report of the Parties within the required time.

Plaintiff, as a *pro se* litigant without access to the Court’s electronic filing system, is reminded that all documents filed with the Court must be contemporaneously mailed to the counsel for Defendants, and must include a Certificate of Service indicating the date on which the document was mailed. Plaintiff is also ordered to inform the Court and opposing counsel, immediately and in writing, of any changes to his mailing address and/or telephone number. A failure to do so may be cause for the Court to dismiss this case for Plaintiff’s lack of prosecution.

The Courts’ website ([www.ohsd.uscourts.gov](http://www.ohsd.uscourts.gov)) contains copies of the Court’s Local Rules, applicable General Orders, and the form for the Rule 26(f) Report of the Parties. If you do not have the ability to access the website, please contact the Clerk’s Office at (937) 512-1400.

November 7, 2013

s/ **Michael J. Newman**  
United States Magistrate Judge