

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

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

**MICHAEL RICHARDSON ,**

**NO. 2:17-CV-01838-JAM-AC PS**

Plaintiff,

vs.

**ORDER SETTING STATUS CONFERENCE**

**JEFFERSON SESSIONS, ET AL. ,**

Defendant.

---

This action has been assigned to District Judge John A. Mendez and Magistrate Judge Allison Claire.

Pursuant to the provisions of Federal Rule of Civil Procedure 16 and Local Rule 240, IT IS HEREBY ORDERED that:

1. The Clerk of the Court is directed to issue and send plaintiff one summons for each defendant named in the complaint. Plaintiff shall complete service of process on defendants named in the complaint within 90 days. Plaintiff is cautioned that this action may be dismissed if service of process is not accomplished within 90 days from the date that the complaint is filed. See Fed.R.Civ.P. 4(m).

////

1           2. Plaintiff shall serve a copy of this order and a copy of the form "Consent to Proceed  
2 Before United States Magistrate Judge" concurrently with service of process, and file with the  
3 Clerk a certificate of such service. If this action was originally filed in state court and removed to  
4 this court, the removing party shall immediately serve upon each of the other parties, and upon all  
5 subsequently joined, a copy of this order, and file with the Clerk a certificate of such service.

6           3. Failure to comply with the Federal Rules of Civil Procedure or Local Rules  
7 of Practice for the United States District Court, Eastern District of California, or orders of this  
8 court, may result in dismissal of this action. Even parties without counsel will be expected to  
9 comply with the procedural rules.

10          4. A Status (Pretrial Scheduling) Conference is set for March 14, 2018 at 10:00 a.m.  
11 in courtroom no. 26 before the undersigned. All parties shall appear by counsel or in person  
12 if acting without counsel.

13          5. Not later than fourteen (14) days prior to the Status Conference, the parties shall  
14 file status reports<sup>1</sup> addressing the following matters:

- 15           a. Service of process;
- 16           b. Possible joinder of additional parties;
- 17           c. Any expected or desired amendment of the pleadings;
- 18           d. Jurisdiction and venue;
- 19           e. Anticipated motions and their scheduling;
- 20           f. The report required by Federal Rule of Civil Procedure 26 outlining the proposed  
21           discovery plan and its scheduling, including disclosure of expert witnesses;
- 22           g. Future proceedings, including setting appropriate cut-off dates for discovery and  
23           law and motion, and the scheduling of a pretrial conference and trial;
- 24           h. Special procedures, if any;

---

25  
26           <sup>1</sup> The parties are encouraged, when possible, to file a joint status report.

- 1 i. Estimated trial time;
- 2 j. Modification of standard pretrial procedures specified by the rules due to the
- 3 simplicity or complexity of the proceedings;
- 4 k. Whether the case is related to any other cases, including bankruptcy;
- 5 l. Whether a settlement conference should be scheduled;
- 6 m. Whether counsel will stipulate to the magistrate judge assigned to this matter
- 7 acting as settlement judge and waiving disqualification by virtue of her so
- 8 acting, or whether they prefer to have a settlement conference before
- 9 another judge;
- 10 n. Any other matters that may add to the just and expeditious disposition
- 11 of this matter.

12 6. Plaintiff and counsel are reminded of their continuing duty to notify chambers  
13 immediately of any settlement or other disposition (see Local Rule 160). In addition, the  
14 parties are cautioned that pursuant to Local Rule 230(c), opposition to the granting of a motion  
15 must be filed fourteen days preceding the noticed hearing date. The Rule further provides that  
16 "[n]o party will be entitled to be heard in opposition to a motion at oral arguments if written  
17 opposition to the motion has not been timely filed by that party." Moreover, Local Rule 230(i)  
18 provides that failure to appear may be deemed withdrawal of opposition to the motion or  
19 may result in sanctions. Finally, Local Rule 110 provides that failure to comply with the Local  
20 Rules "may be grounds for imposition of any and all sanctions authorized by statute or Rule or  
21 within the inherent power of the Court."

22 7. The parties are informed that they may, if all consent, have this case tried by a United  
23 States Magistrate Judge while preserving their right to appeal to the Ninth Circuit Court of Appeals.  
24 See 28 U.S.C. § 636(c). The form for consent to trial by a magistrate judge is attached. Any party  
25 choosing to consent may complete the form and return it to the Clerk of the Court. Neither the

26 ////

1 magistrate judge nor the district judge handling the case will be notified of the filing of a consent form  
2 unless all parties to the action have consented.

3 8. The Clerk of the Court is directed to send plaintiff copies (one for each defendant  
4 plus one for the plaintiff) of the form, "Consent to Proceed Before United States Magistrate Judge,"  
5 with this order.

6 DATE: September 14, 2017

7 ALLISON CLAIRE  
8 UNITED STATES MAGISTRATE JUDGE

9 by: /s/ A. Benson  
10 Deputy Clerk

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

26