

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF KANSAS**

ARTHUR L. GONZALES, JR.,

Plaintiff,

v.

CASE NO. 22-3019-EFM-GEB

**ROBERT WRAY, and
MILLIE MURRAY,**

Defendants.

ORDER

This matter was set for a Status Conference. Plaintiff, after receiving notice as fully set forth below, failed to appear. Defendants appeared through counsel John Hicks and Emily Tung.

The Scheduling Order (ECF No. 59) in this case was entered on June 1, 2023 which set the Pretrial Conference for January 26, 2024 with a deadline of January 19, 2024 to provide a proposed Pretrial Order. No proposed order was provided by the deadline. On January 22, 2024, the undersigned's chambers wrote to the parties, using an email address provided by Plaintiff which both the court and counsel used to communicate with Plaintiff, providing a Zoom link for the January 26th conference and inquiring about the status of the proposed order. Two days later on January 24, 2024, the Pretrial Conference was moved to February 2, 2024 to permit the parties additional time to work on the proposed order. A Zoom invitation for the February 2nd conference was provided to Plaintiff and counsel by email the same day.

On January 26, 2024, defense counsel provided the undersigned with a proposed Pretrial Order. Defense counsel indicated they were able to confer with Plaintiff via email to obtain his approval of stipulations included in the order, but they had not received any information from Plaintiff regarding his factual contentions, claims, and damages. Therefore, the proposed Pretrial Order was incomplete. The same day the undersigned's chambers sent an email to the parties asking Plaintiff for a status report on his providing the necessary information to opposing counsel to complete the proposed Pretrial Order. No response was received.

The Pretrial Conference was converted to a Status Conference on January 29, 2024 (ECF No. 66). Chambers emailed the parties to provide additional notice of the converted status and advised the parties the Zoom invitation previously provided should be used. On the day of the conference, after the start time for the conference had passed, chambers again emailed the parties providing the Zoom invitation and inquired whether Plaintiff would be able to join. No response to the email was received and Plaintiff did not join the conference.

Therefore, **IT IS ORDERED** this case is stayed pending decision on Defendants' Motion for Summary Judgment (ECF No. 63) which is now ripe after Plaintiff failed to respond. The Court will endeavor to reschedule a Pretrial Conference following a decision on the motion, if necessary.

IT IS SO ORDERED.

Dated February 2, 2024.

s/ Gwynne E. Birzer
GWYNNE E. BIRZER
U.S. Magistrate Judge