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UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

TROAS V. BARNETT,

CASE NO. 1:05-cv-01022-GBC PC

Plaintiff,

ORDER REQUIRING PARTIES TO NOTIFY
COURT WHETHER A SETTLEMENT
CONFERENCE WOULD BE BENEFICIAL

v.

DAVID NORMAN, et al.,

RESPONSE DUE AT HEARING SET ON
OCTOBER 11, 2012

Defendants.

Plaintiff Troas V. Barnett is a state prisoner proceeding pro se and in forma pauperis in this civil rights action pursuant to 42 U.S.C. § 1983. At this juncture, this action is proceeding on Plaintiff's third amended complaint, filed October 30, 2008, against Defendants Martin Gamboa, Angel Duran, and Manuel Torres for excessive force in violation of the Eighth Amendment. Doc. 48. This action is currently set for trial on January 15, 2013. Doc. 142.

The Court is able to refer cases for mediation before a United States Magistrate Judge. A settlement conference will only be set if the parties are willing to make a meaningful attempt to resolve this action and are willing to compromise. Settlement conferences may be held by video conference or in person at the court. Plaintiff and Defendants shall notify the Court whether they believe, in good faith, that settlement in this case is a possibility and whether they are interested in having a settlement conference scheduled by the Court.¹

If the parties wish to have a settlement conference scheduled, Defendants' counsel shall

¹ The parties may wish to discuss the issue by telephone in determining whether they believe settlement is feasible.

1 notify the Court whether there are security concerns that would prohibit scheduling a settlement
2 conference. If security concerns exist, counsel shall notify the Court whether those concerns can be
3 adequately addressed if Plaintiff is transferred for settlement only and then returned to prison for
4 housing.

5 Accordingly, Plaintiff and Defendants shall be prepared to present their response to this order
6 by the time of the pre-trial hearing scheduled October 11, 2012. If a settlement conference is set by
7 the Court, the Court will issue a separate order indicating each of the parties' responsibilities
8 regarding the settlement conference.

9
10 IT IS SO ORDERED.

11 Dated: September 27, 2012


12 UNITED STATES MAGISTRATE JUDGE