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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

CARLOS HENDON,
Plaintiff,
vs.
BAROYA, et al.,
Defendants.

1:05-cv-01247-AWI-GSA-PC
ORDER REQUIRING PARTIES TO
NOTIFY COURT WHETHER A
SETTLEMENT CONFERENCE WOULD
BE BENEFICIAL
THIRTY-DAY DEADLINE

I. BACKGROUND

Carlos Hendon ("Plaintiff") is a state prisoner proceeding pro se with this civil rights action under 42 U.S.C. § 1983. Plaintiff filed the Complaint commencing this action on September 30, 2005. (Doc. 1.) This action now proceeds on Plaintiff's Second Amended Complaint filed on June 26, 2008, against defendants Baroya, Pham, Nguyet, Hoppe, Griffin and Reidman ("Defendants") for subjecting him to cruel and unusual punishment in violation of the Eighth Amendment. (Doc. 18.)

On September 30, 2009, the Court issued a Discovery/Scheduling Order in this action, establishing a deadline May 30, 2010 for the parties to conduct discovery, and a deadline of

1 August 9, 2010 for the filing of pretrial dispositive motions. (Doc. 36.) On March 27, 2012,
2 after defendant Hoppe made an appearance, the court issued an order commencing discovery
3 between Plaintiff and defendant Hoppe, establishing a deadline of August 1, 2012 for
4 completion of discovery between Plaintiff and defendant Hoppe, and a deadline of October 1,
5 2012 for all parties to file pretrial dispositive motions. (Doc. 88.) On October 3, 2012, the
6 court extended the dispositive motions deadline for defendant Pham until December 1, 2012.
7 (Doc. 98.) The pretrial deadlines have now expired.

8 On September 23, 2014, the court denied in part two motions for summary judgment
9 filed by Defendants.¹ (Doc. 94.) At this stage of the proceedings, the Court ordinarily
10 proceeds to schedule the case for trial.

11 **II. SETTLEMENT PROCEEDINGS**

12 The Court is able to refer cases for mediation before a participating United States
13 Magistrate Judge. Settlement conferences are ordinarily held in person at the Court or at a
14 prison in the Eastern District of California. Plaintiff and Defendants shall notify the Court
15 whether they believe, in good faith, that settlement in this case is a possibility and whether they
16 are interested in having a settlement conference scheduled by the Court.²

17 Counsel for defendants Baroya, Riedman, Nguyet, Griffin, and Hoppe shall notify the
18 Court whether there are security concerns that would prohibit scheduling a settlement
19 conference. If security concerns exist, Counsel shall notify the Court whether those concerns
20 can be adequately addressed if Plaintiff is transferred for settlement only and then returned to
21 prison for housing.

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25 ¹On October 1, 2012, defendants Baroya, Riedman, Nguyet, Griffin, and Hoppe filed a motion for
26 summary judgment. (Doc. 93.) On November 30, 2012, defendant Pham filed a motion for summary judgment.
(Doc. 107.)

27 ² The parties may wish to discuss the issue by telephone in determining whether they believe settlement
28 is feasible.

1 **III. CONCLUSION**

2 Based on the foregoing, IT IS HEREBY ORDERED that within **thirty (30) days** from
3 the date of service of this order, Plaintiff and Defendants shall file written responses to this
4 order.³

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6 IT IS SO ORDERED.

7 Dated: October 1, 2014

/s/ Gary S. Austin
8 UNITED STATES MAGISTRATE JUDGE

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³ The issuance of this order does not guarantee referral for settlement, but the Court will make every reasonable attempt to secure the referral should both parties desire a settlement conference.