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**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA**

DERWIN JULES JACKSON,  
Plaintiff,  
v.  
W. SULLIVAN, et al.,  
Defendants.

**1:07-cv-00178-DAD-GSA-PC**

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

**THIRTY-DAY DEADLINE**

**I. BACKGROUND**

Derwin Jules Jackson (“Plaintiff”) is a state prisoner proceeding pro se with this civil rights action pursuant to 42 U.S.C. § 1983. On February 1, 2007, Plaintiff filed the Complaint, upon which this case now proceeds. (ECF No. 1.)

On June 8, 2017, the Ninth Circuit issued an order affirming in part and reversing in part the court’s order granting summary judgment to defendants in this case. (ECF No. 85.) The case was remanded to this court to proceed against defendants Meadors and Cobbs (“Defendants”) on Plaintiff’s Eighth Amendment claim for denial of access to the prison yard. (Id.) At this stage of the proceedings, the court anticipates setting a schedule for trial.

**II. SETTLEMENT PROCEEDINGS**

The court is able to refer cases for mediation before a participating United States Magistrate Judge. Settlement conferences are ordinarily held in person at the court or at a

1 prison in the Eastern District of California. Plaintiff and Defendants shall notify the court  
2 whether they believe, in good faith, that settlement in this case is a possibility and whether they  
3 are interested in having a settlement conference scheduled before the court.<sup>1</sup>

4 Defendants' counsel shall notify the court whether there are security concerns that  
5 would prohibit scheduling a settlement conference. If security concerns exist, counsel shall  
6 notify the court whether those concerns can be adequately addressed if Plaintiff is transferred  
7 for settlement only and then returned to prison for housing.

8 **III. CONCLUSION**

9 Based on the foregoing, IT IS HEREBY ORDERED that within **thirty (30) days** from  
10 the date of service of this order, Plaintiff and Defendants shall file a written response to this  
11 order.<sup>2</sup>

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13 IT IS SO ORDERED.

14 Dated: July 5, 2017

/s/ Gary S. Austin  
UNITED STATES MAGISTRATE JUDGE

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

27 <sup>2</sup> The issuance of this order does not guarantee referral for settlement, but the court will make every  
28 reasonable attempt to secure the referral should both parties desire a settlement conference.