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8 UNITED STATES DISTRICT COURT
9 EASTERN DISTRICT OF CALIFORNIA
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11 ESS'N AUBERT,) 1:07-cv-01629-LJO-GSA-PC
12 Plaintiff,)
13 vs.) ORDER REQUIRING PARTIES TO
14 C/O KEVIN ELIJAH and C/O MARIO) NOTIFY COURT WHETHER A
15 GARCIA,) SETTLEMENT CONFERENCE WOULD
16 Defendants.) BE BENEFICIAL
THIRTY-DAY DEADLINE

17 Ess'n Aubert ("Plaintiff") is a former state prisoner proceeding pro se with this civil
18 rights action pursuant to 42 U.S.C. § 1983. Plaintiff filed the Complaint commencing this
19 action on November 8, 2007. (Doc. 1.) This action now proceeds on the original Complaint,
20 against defendants Correctional Officers Kevin Elijah and Mario Garcia ("Defendants") for use
21 of excessive force in violation of the Eighth Amendment. (Id.)

22 The deadlines established by the Court for discovery and filing pretrial dispositive
23 motions have expired, (Docs. 20, 52), and Defendants' motions for summary judgment were
24 denied on November 15, 2011 and March 26, 2013, (Docs. 59, 79). No other motions are
25 pending. At this stage of the proceedings, the Court ordinarily proceeds to schedule the case
26 for trial.

27 The Court is able to refer cases for mediation before a participating United States
28 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 by the Court.¹

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

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14 IT IS SO ORDERED.

15 Dated: March 27, 2013

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

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

28 ² 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.