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UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

WHITTIER BUCHANAN,

1:08-cv-01174-AWI-GSA-PC

Plaintiff,

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

v.

A. SANTOS,

THIRTY-DAY DEADLINE

Defendant.

I. BACKGROUND

Whittier Buchanan (“Plaintiff”) is a state prisoner proceeding pro se in this civil rights action pursuant to 42 U.S.C. § 1983. This action now proceeds on Plaintiff’s original Complaint, filed on August 11, 2008, against defendant Correctional Officer A. Santos (“Defendant”), for use of excessive force in violation of the Eighth Amendment. (Doc. 1.) This case is scheduled for jury trial on September 25, 2012 before District Judge Anthony W. Ishii.

II. SETTLEMENT CONFERENCE

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 prison in the Eastern District of California. Plaintiff and Defendant 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

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

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

5 **III. CONCLUSION**

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

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9 IT IS SO ORDERED.

10 **Dated: May 7, 2012**

/s/ Gary S. Austin
UNITED STATES MAGISTRATE JUDGE

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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. If the case is referred for settlement, the case will be stayed by order pending completion of the settlement conference.