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UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

DONALD GLASS,

Plaintiff,

v.

R. FIELDS, et al.,

Defendants.

CASE NO. 1:09-cv-00098-AWI-BAM PC

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

TWENTY-DAY DEADLINE

Plaintiff Donald Glass (“Plaintiff”) is a state prisoner proceeding pro se and in forma pauperis in this civil rights action pursuant to 42 U.S.C. § 1983. This action is proceeding on the complaint, filed January 5, 2009, against Defendants Hamilton, Robles, Logue, and Bautista for excessive force in violation of the Eighth Amendment; Defendants Riddle, and McDaniel for deliberate indifference in violation of the Eighth Amendment; and Defendants Hamilton, Bautista, Logue, Robles, Riddle, Cedillos, and McDaniel for retaliation in violation of the First Amendment.

This matter is set for trial on April 15, 2013.

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

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1 having a settlement conference scheduled by the Court.¹

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

7 Accordingly, within **twenty (20) days** from the date of service of this order, Plaintiff and
8 Defendants shall file a written response to this order. If a settlement conference is set by the Court,
9 th Court will issue a separate order indicating each of the parties' responsibilities regarding the
10 settlement conference.

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12 IT IS SO ORDERED.

13 **Dated: September 25, 2012**

/s/ **Barbara A. McAuliffe**
UNITED STATES MAGISTRATE JUDGE

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