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UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

ROBERT GONZALES SAENZ,

CASE NO. 1:09-cv-00557-BAM PC

Plaintiff,

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

v.

SGT. D. REEVES,

TWENTY-DAY DEADLINE

Defendant.

Plaintiff Robert Gonzales Saenz (“Plaintiff”) is a state prisoner proceeding pro se and in forma pauperis in this civil rights action pursuant to 42 U.S.C. § 1983. Following resolution of Defendants’ motion for summary judgment, this action is proceeding on the second amended complaint, filed January 14, 2010, against Defendants Reeves for retaliation in violation of the First Amendment and deliberate indifference to conditions of confinement in violation of the Eighth Amendment. This matter is set for trial on June 3, 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 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 If the parties wish to have a settlement conference scheduled, Defendants' counsel shall
2 notify the Court whether there are security concerns that would prohibit scheduling a settlement
3 conference. If security concerns exist, counsel shall notify the Court whether those concerns can be
4 adequately addressed if Plaintiff is transferred for settlement only and then returned to prison for
5 housing.

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

10
11 IT IS SO ORDERED.

12 **Dated: September 25, 2012**

/s/ Barbara A. McAuliffe
UNITED STATES MAGISTRATE JUDGE