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UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

SAMMY ZAMARO,

Plaintiff,

v.

G. MOONGA, et al.,

Defendants.

CASE NO. 1:09-cv-00580-GSA PC

ORDER DENYING PLAINTIFF’S MOTION
FOR ORDER THAT THE PARTIES
PARTICIPATE IN MEDIATION

(Doc. 26.)

Plaintiff Sammy Zamaro, a state prisoner proceeding pro se and in forma pauperis, filed this civil rights action pursuant to 42 U.S.C. § 1983 on February 12, 2009. On February 1, 2010, Plaintiff filed a motion requesting an order forcing the parties to participate in mediation. (Doc. 26.) Plaintiff erroneously reads Local Rule 270¹ as requiring that an order for mediation issue upon motion by a party. (Doc. 26, Med. Mot., p. 2.) However, before a case will be ordered to mediation, both parties must notify the Court as to the applicability of mediation. While Plaintiff has indicated a willingness to proceed to mediation, Defendants have not. If Defendants feel that mediation would be beneficial, they need to advise the Court— at which time the Court will ascertain its feasibility.

Accordingly, Plaintiff’s motion for order that the parties participate in mediation, filed

¹ Plaintiff erroneously notes the 2009 version of the Local Rules (16-270) rather than the 2010 version (270).

1 February 1, 2010, is hereby DENIED.

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3 IT IS SO ORDERED.

4 **Dated: March 2, 2010**

/s/ Gary S. Austin
UNITED STATES MAGISTRATE JUDGE

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