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**UNITED STATES DISTRICT COURT**  
EASTERN DISTRICT OF CALIFORNIA

LAMONT SHEPARD,	CASE NO. 1:09-cv-00809-LJO-BAM PC
Plaintiff,	ORDER REQUIRING PARTIES TO NOTIFY
v.	COURT WHETHER A SETTLEMENT
T. QUILLEN, et al.,	CONFERENCE WOULD BE BENEFICIAL
Defendants.	TWENTY-DAY DEADLINE

Plaintiff Lamont Shepard (“Plaintiff”) is a state prisoner proceeding pro se and in forma pauperis in this civil rights action pursuant to 42 U.S.C. § 1983. At this juncture, this action is proceeding on Plaintiff’s first amended complaint, filed September 16, 2010, against Defendant T. Quillen for excessive force in violation of the Eighth Amendment and J. Wise for retaliation in violation of the First Amendment. This action is currently set for trial on March 19, 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.<sup>1</sup>

If the parties wish to have a settlement conference scheduled, Defendants’ counsel shall

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

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

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

9  
10 IT IS SO ORDERED.

11 **Dated: September 25, 2012**

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