## UNITED STATES DISTRICT COURT EASTERN DISTRICT OF CALIFORNIA

	NORMAN IVORY,	1:09-cv-01272-AWI-GSA-PC
	Plaintiff,	ORDER REQUIRING PARTIES TO NOTIFY COURT WHETHER A SETTLEMENT CONFERENCE WOULD BE BENEFICIAL THIRTY-DAY DEADLINE
	vs.	
	C/O MERAZ,	
	Defendant.	) )
		)

Norman Ivory ("Plaintiff") is a state prisoner proceeding pro se and in forma pauperis with this civil rights action pursuant to 42 U.S.C. § 1983. Plaintiff filed the Complaint commencing this action on July 20, 2009. (Doc. 1.) This action now proceeds on the original Complaint, against defendant Correctional Officer Meraz ("Defendant") for use of excessive force in violation of the Eighth Amendment. (Id.)

The deadlines established by the Court for discovery and filing pretrial dispositive motions have expired, (Docs. 45, 81, 97), and Defendant's motion for summary judgment was denied on March 26, 2013, (Doc. 120). No other motions are pending. At this stage of the proceedings, the Court ordinarily proceeds to schedule the case for trial.

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.

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

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

IT IS SO ORDERED.

Dated: **March 27, 2013** 

/s/ Gary S. Austin
UNITED STATES MAGISTRATE JUDGE

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

<sup>&</sup>lt;sup>2</sup> 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.