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

DANIEL ARZAGA,

1:10-cv-00369-AWI-GSA-PC

Plaintiff,

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

v.

SERGEANT REED, et al.,

THIRTY-DAY DEADLINE

Defendants.

**I. BACKGROUND**

Daniel Arzaga (“Plaintiff”) is a state prisoner proceeding pro se and in forma pauperis in this civil rights action pursuant to 42 U.S.C. § 1983. Plaintiff filed the Complaint commencing this action on February 8, 2010. (Doc. 1.) This action now proceeds on the Amended Complaint filed by Plaintiff on March 31, 2011, against defendant Sergeant Reed (“Defendant”), for retaliation and unconstitutional conditions of confinement. (Doc. 11.)

On October 12, 2011, the Court issued a Scheduling Order establishing a deadline of June 12, 2012 for completion of discovery, including the filing of motions to compel, and a deadline of August 20, 2012, for the parties to file pretrial dispositive motions. (Doc. 29.) On February 13, 2013, with leave of court, Defendant filed a motion to compel discovery responses, which is pending. (Doc. 59.)

On March 11, 2013, Plaintiff submitted a motion for settlement which was lodged by the Court, in which he indicated his willingness to participate in settlement proceedings. (Doc. 61.)

1 Plaintiff's motion contains confidential information and therefore shall not be filed on the court  
2 record.

3 **II. DISCUSSION**

4 The Court is able to refer cases for mediation before a participating United States Magistrate  
5 Judge. Settlement conferences are ordinarily held in person at the Court or at a prison in the Eastern  
6 District of California. Defendant shall notify the Court whether he believes, in good faith, that  
7 settlement in this case is a possibility and whether he is interested in having a settlement conference  
8 scheduled by the Court.<sup>1</sup>

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

13 **III. CONCLUSION**

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

17 IT IS SO ORDERED.

18 **Dated: March 20, 2013**

/s/ Gary S. Austin  
UNITED STATES MAGISTRATE JUDGE

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

28 <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.