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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

ESS'NN AUBERT,
Plaintiff,
vs.
H. ROBLES,
Defendant.

1:10-cv-00565-LJO-GSA-PC
ORDER REQUIRING PARTIES TO
NOTIFY COURT WHETHER A
SETTLEMENT CONFERENCE WOULD
BE BENEFICIAL
THIRTY-DAY DEADLINE

I. BACKGROUND

Ess'nn A. Aubert ("Plaintiff") is a state prisoner proceeding pro se in this civil rights action filed pursuant to 42 U.S.C. § 1983. This action now proceeds with the Complaint filed on April 1, 2010, against defendant Correctional Officer Hector Robles ("Defendant"), for excessive force in violation of the Eighth Amendment. (Doc. 1.)

On March 31, 2011, the Court issued a Discovery/Scheduling Order, establishing pretrial deadlines in this action. (Doc. 17.) On February 9, 2012, Defendant filed a motion for summary judgment, which was denied by the court on December 19, 2013. (Docs. 26, 39.) The pretrial deadlines have now expired. 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

1 prison in the Eastern District of California. Plaintiff and Defendant shall notify the Court
2 whether they believe, in good faith, that settlement in this case is a possibility and whether they
3 are interested in having a settlement conference scheduled by the Court.¹

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

8 **II. CONCLUSION**

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

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15 IT IS SO ORDERED.

16 Dated: December 20, 2013

/s/ Gary S. Austin
UNITED STATES MAGISTRATE JUDGE

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26 _____
26 ¹ The parties may wish to discuss the issue by telephone in determining whether they believe settlement
is feasible.

27 ² The issuance of this order does not guarantee referral for settlement, but the Court will make every
28 reasonable attempt to secure the referral should both parties desire a settlement conference.