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8 UNITED STATES DISTRICT COURT  
9 EASTERN DISTRICT OF CALIFORNIA  
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11 PIERRE DAVY,

12 Plaintiff,

13 vs.

14 A. SWANSON,

15 Defendant.  
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1:12-cv-00749-LJO-GSA-PC

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

THIRTY-DAY DEADLINE

17 **I. BACKGROUND**

18 Pierre Davy ("Plaintiff") is a state prisoner proceeding pro se and in forma pauperis in  
19 this civil rights action filed pursuant to 42 U.S.C. § 1983. Plaintiff commenced this action on  
20 May 8, 2012. (Doc. 1.) This case now proceeds on the initial Complaint against defendant A.  
21 Swanson, for use of excessive force in violation of the Eighth Amendment. Id.

22 This action is now in the discovery phase. (Doc. 23.) On September 16, 2013, Plaintiff  
23 filed a request for the court to schedule a settlement conference for this case. (Doc. 32.)

24 **II. SETTLEMENT CONFERENCES**

25 The Court is able to refer cases for mediation before a participating United States  
26 Magistrate Judge. Settlement conferences are ordinarily held in person at the Court or at a  
27 prison in the Eastern District of California. Defendant shall notify the Court whether he

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1 believes, in good faith, that settlement in this case is a possibility and whether he is interested  
2 in having a settlement conference scheduled by the Court.<sup>1</sup>

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

7 **II. CONCLUSION**

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

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12 IT IS SO ORDERED.

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14 Dated: September 17, 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 feasible.

27 <sup>2</sup> 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.