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2
3 UNITED STATES DISTRICT COURT
4 EASTERN DISTRICT OF CALIFORNIA
5

6 CHARLES MCCLOUGH,

7 Plaintiff,

8 vs.

9 JIMMY KEENER, et al.,

10 Defendants.
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1:12-cv-02076-LJO-GSA-PC

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

THIRTY-DAY DEADLINE

12 **I. BACKGROUND**

13 Charles McClough ("Plaintiff") is a former state prisoner proceeding pro se in this civil
14 rights action pursuant to 42 U.S.C. § 1983. This case now proceeds on the initial Complaint
15 filed by Plaintiff on December 26, 2012, against defendants Keener, Gonzales, Longoria,
16 Flores, Cahlander, and Felix (collectively "Defendants") for use of excessive force against
17 Plaintiff in violation of the Eighth Amendment. (Doc. 1.)¹

18 On April 1, 2014, the Court issued a Discovery/Scheduling Order in this action,
19 establishing a deadline of December 4, 2014 for the parties to conduct discovery, including
20 filing motions to compel, and a deadline of February 9, 2015 for the filing of pretrial
21 dispositive motions. (Doc. 21.) On December 17, 2014, the court granted Plaintiff's request
22 for a thirty-day extension of time to file a discovery motion. (Doc. 29.) The thirty-day time
23 period passed, and Plaintiff did not file a discovery motion or request additional time. The
24 pretrial deadlines have now expired, and no motions are pending. At this stage of the
25 proceedings, the Court ordinarily proceeds to schedule the case for trial.
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27 ¹ On September 16, 2013, the court dismissed all other claims and defendants from this action,
28 based on Plaintiff's failure to state a claim under § 1983. (Doc. 8.)

1 **II. SETTLEMENT PROCEEDINGS**

2 The Court is able to refer cases for mediation before a participating United States
3 Magistrate Judge. Settlement conferences are ordinarily held in person at the Court or at a
4 prison in the Eastern District of California.² Plaintiff and Defendants shall notify the Court
5 whether they believe, in good faith, that settlement in this case is a possibility and whether they
6 are interested in having a settlement conference scheduled by the Court.³

7 **III. CONCLUSION**

8 Based on the foregoing, IT IS HEREBY ORDERED that within **thirty (30) days** from
9 the date of service of this order, Plaintiff and Defendants shall file a written response to this
10 order.⁴

11 IT IS SO ORDERED.

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13 Dated: **February 26, 2015**

/s/ Gary S. Austin
UNITED STATES MAGISTRATE JUDGE

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24 ² The court has received notice that Plaintiff was paroled, and Plaintiff has filed a notice of
25 change of address to a street address in Fresno, California. (Court Record, Doc. 31.)

26 ³ The parties may wish to discuss the issue by telephone in determining whether they believe
27 settlement is feasible.

28 ⁴ 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.