

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

CHARLES MCCLOUGH,
Plaintiff,
vs.
JIMMY KEENER, et al.,
Defendants.

1:12-cv-02076-LJO-GSA-PC

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

THIRTY-DAY DEADLINE

I. BACKGROUND

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

On April 1, 2014, the Court issued a Discovery/Scheduling Order in this action, establishing a deadline of December 4, 2014 for the parties to conduct discovery, including filing motions to compel, and a deadline of February 9, 2015 for the filing of pretrial dispositive motions. (Doc. 21.) On December 17, 2014, the court granted Plaintiff's request for a thirty-day extension of time to file a discovery motion. (Doc. 29.) The thirty-day time period passed, and Plaintiff did not file a discovery motion or request additional time. The pretrial deadlines have now expired, and no motions are pending. At this stage of the proceedings, the Court ordinarily proceeds to schedule the case for trial.

¹ On September 16, 2013, the court dismissed all other claims and defendants from this action, based on Plaintiff's failure to state a claim under § 1983. (Doc. 8.)

II. SETTLEMENT PROCEEDINGS

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.² Plaintiff and Defendants 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.³

III. CONCLUSION

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

IT IS SO ORDERED.

Dated: **February 26, 2015**

/s/ Gary S. Austin

UNITED STATES MAGISTRATE JUDGE

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

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

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.