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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

JOSEPH E. ANDERSON,
Plaintiff,
v.
GONZALES,
Defendant.

Case No. 1:14-cv-00362-AWI-BAM (PC)
ORDER REGARDING PLAINTIFF’S
NOTICE TO THE COURT REGARDING
SETTLEMENT CONFERENCE
(ECF No. 61)

Plaintiff Joseph E. Anderson (“Plaintiff”) is a state prisoner proceeding *pro se* and *in forma pauperis* in this civil rights action pursuant to 42 U.S.C. § 1983. This action proceeds on Plaintiff’s second amended complaint against Defendant A. Gonzales for failure to protect Plaintiff from assault at the hands of another inmate in violation of the Eighth Amendment.

On April 25, 2018, the Court referred this case to Magistrate Judge Stanley A. Boone to conduct a settlement conference at the U.S. District Courthouse in Fresno on June 18, 2018, at 10:30 a.m. (ECF No. 58.) On April 30, 2018, the Court issued an order and writ of *habeas corpus ad testificandum* to the Warden of California Substance Abuse Treatment Facility (CSATF), where Plaintiff is currently housed. (ECF No. 59.) That order directing the Warden to produce Plaintiff, along with any necessary legal property, to the U.S. District Courthouse in Fresno on the appropriate date. (*Id.*) A copy of that order was also served on Plaintiff by mail.

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1 Currently before the Court is Plaintiff's notice to the Court regarding the scheduled
2 settlement conference, filed May 11, 2018. (ECF No. 61.) Plaintiff states that he is unable to
3 attend the settlement conference due to his incarceration, unless the Court: (1) orders CDCR to
4 produce Plaintiff and bear the costs of transport; (2) orders CDCR to produce Plaintiff
5 telephonically; or (3) moves the settlement conference to a conference room in the legal
6 department of CSATF. (Id.)

7 It appears that Plaintiff's notice to the Court has crossed in the mail with the Court's
8 transport order of April 30, 2018. As the Court has already ordered the Warden of CSATF to
9 transport Plaintiff to the U.S. District Courthouse in Fresno on the date of the settlement
10 conference, the Court declines to order CDCR to produce Plaintiff telephonically or to move the
11 location of the settlement conference. Having settled the issue of Plaintiff's transportation and
12 appearance at the settlement conference, Plaintiff shall comply with all applicable deadlines
13 outlined in the Court's April 25, 2018 order setting the settlement conference, (ECF No. 58),
14 including the provision of a confidential settlement statement.

15
16 IT IS SO ORDERED.

17 Dated: May 16, 2018

17 /s/ Barbara A. McAuliffe
18 UNITED STATES MAGISTRATE JUDGE