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**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA**

BINH TRAN,

Plaintiff,

v.

E. SMITH,

Defendant.

Case No. 1:14-cv-01320-DAD-EPG (PC)

ORDER DENYING PLAINTIFF'S MOTION
FOR COURT ORDERED ALTERNATIVE
DISPUTE RESOLUTION
(ECF NO. 36)

Binh Tran ("Plaintiff") is a state prisoner proceeding *pro se* and *in forma pauperis* in this civil rights action filed pursuant to 42 U.S.C. 1983, which includes a state law claim for common law negligence. On December 2, 2016, Plaintiff filed a motion for court ordered alternative dispute resolution ("the Motion"). (ECF No. 36).

Plaintiff asks the Court to order alternative dispute resolution. If that fails, Plaintiff asks the Court to set a trial date.

The Court will deny the Motion without prejudice. Plaintiff failed to specify the type of alternative dispute resolution that he is seeking. Additionally, if Defendant's motion to dismiss is not granted in full, the Court will set an Initial Scheduling Conference. At that conference the Court will discuss with the parties the usefulness of a settlement conference in this case. The Court will also set a trial date.

Accordingly, IT IS ORDERED that the Motion is denied without prejudice.

IT IS SO ORDERED.

Dated: December 28, 2016

/s/ Eric P. Gray
UNITED STATES MAGISTRATE JUDGE