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

GARY RAY BETTENCOURT,  
Plaintiff,  
v.  
PARKER, *et al.*,  
Defendants.

Case No. 1:16-cv-00150-DAD-BAM (PC)  
ORDER LIFTING STAY OF PROCEEDINGS  
ORDER VACATING NOVEMBER 10, 2020  
SETTLEMENT CONFERENCE  
(ECF No. 57)

Plaintiff Gary Ray Bettencourt (“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 claims of deliberate indifference in violation of the Eighth Amendment against Defendant Crooks for pulling two teeth that did not need to be pulled, and against Defendants Parker and Guzman for filing down six healthy teeth with a dental tool used for drilling cavities.

On September 9, 2020, the Court identified this case as an appropriate case for the post-screening ADR (Alternative Dispute Resolution) project, and stayed the action to allow the parties an opportunity to settle their dispute before the discovery process begins. (ECF No. 57.) The Court’s order granted Defendants time to investigate and determine whether to opt out of the post-screening ADR project.

On October 6, 2020, Defendants filed a request to opt-out of alternative dispute resolution. (ECF No. 62.) Defendants state that the parties conferred over the phone, and while both parties

1 agreed that a settlement conference could be beneficial, without an opportunity to obtain  
2 Plaintiff's dental records, participation in an early settlement conference at this juncture would be  
3 an inefficient use of Court and party resources. After review, the Court finds good cause to grant  
4 Defendants' request. Therefore, the stay is lifted, and the November 10, 2020, settlement is  
5 vacated. This case is now ready to proceed.

6 If the parties wish to set a settlement conference with the Court at a later date, they should  
7 so inform the Court. However, the parties are also reminded that they are not precluded from  
8 negotiating a settlement without judicial assistance.

9 Accordingly, IT IS HEREBY ORDERED that:

- 10 1. The stay of this action, (ECF No. 57), is LIFTED;
- 11 2. The November 10, 2020 settlement conference is VACATED; and
- 12 3. The parties may proceed with discovery pursuant to the discovery and scheduling  
13 order to be issued by separate order.

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15 IT IS SO ORDERED.

16 Dated: October 7, 2020

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