

UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

GARY RAY BETTENCOURT,	Case No. 1:16-cv-00150-DAD-BAM (PC)
Plaintiff,	ORDER CONSTRUING PLAINTIFF'S LETTER AS A MOTION FOR CASE UPDATE
PARKER, et al.,	ORDER GRANTING MOTION FOR CASE UPDATE
Defendants.	(ECF No. 65)

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, set the case for a November 10, 2020 settlement conference, and stayed the action. ((ECF No. 57.) On October 6, 2020, Defendants filed a request to opt-out of alternative dispute resolution. (ECF No. 62.) The Court granted the request, lifted the stay, and vacated the November 10, 2020 settlement conference. (ECF No. 63.) On October 7, 2020, the Court also opened discovery and issued a Discovery and Scheduling Order. (ECF No. 64.)

Currently before the Court is a letter from Plaintiff concerning the Court's Discovery and Scheduling Order, filed November 12, 2020. (ECF No. 65.) Although difficult to understand, it appears Plaintiff is confused about whether the settlement conference will go forward, and believes that prison staff may be interfering in his case. (Id.) The Court construes the letter as a motion for a case update and finds that a response from Defendants is not necessary. The motion is deemed submitted. Local Rule 230(1).

Plaintiff is informed that there has been no interference by medical or prison staff with this case. The settlement conference was vacated by the Court after Defendants opted out of the ADR project, and this action is now proceeding with discovery according to the Court's October 7, 2020 Discovery and Scheduling Order. No other orders have been issued since the October 7, 2020 Discovery and Scheduling Order. This case is not currently set for any other settlement conferences or hearings.

Accordingly, IT IS HEREBY ORDERED as follows:

- 1. Plaintiff's letter concerning the Court's Discovery and Scheduling Order, (ECF No. 65), is construed as a motion for case update; and
- 2. Plaintiff's motion for case update, (ECF No. 65), is GRANTED as discussed above.

IT IS SO ORDERED.