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6 UNITED STATES DISTRICT COURT  
7 EASTERN DISTRICT OF CALIFORNIA  
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9 STEWART MANAGO,

10 Plaintiff,

11 vs.

12 D. DAVEY, et al.,

13 Defendants.  
14

1:16-cv-00399-LJO-GSA-PC

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

**THIRTY-DAY DEADLINE**

15 **I. BACKGROUND**

16 Stewart Manago (“Plaintiff”) is a prisoner proceeding *pro se* and *in forma pauperis* with  
17 this civil rights action filed pursuant to 42 U.S.C. § 1983. Plaintiff filed the Complaint  
18 commencing this action on March 24, 2016. (ECF No. 1.) This case now proceeds with the  
19 First Amended Complaint filed on April 18, 2016, against defendants J. Acevedo, D. Davey, A.  
20 Maxfield, E. Razo, M.V. Sexton, A. Valdez, and J. Vanderpoel (collectively, “Defendants”), on  
21 Plaintiff’s First Amendment retaliation claims. (ECF No. 13.) This case is currently in the  
22 discovery phase.

23 On February 28, 2018, Plaintiff filed a motion in which he expressed willingness to  
24 discuss settlement of this case, either between the parties or with the court’s assistance. (ECF  
25 No. 109 at 3 ¶¶16, 17.)

26 **II. SETTLEMENT CONFERENCES**

27 The court is able to refer cases for mediation before a participating United States  
28 Magistrate Judge. Settlement conferences are ordinarily held in person at the court or at a

1 prison in the Eastern District of California. The court will not schedule a settlement conference  
2 without assurances by all of the parties that they are willing to participate and believe, in good  
3 faith, that settlement in this case is more than a mere possibility.

4 The court shall require Plaintiff and Defendants to respond to this order within thirty  
5 days, indicating whether they wish the court to schedule a settlement conference, notifying the  
6 court of their willingness to participate, and stating whether they believe, in good faith, that  
7 settlement of this case is more than a remote possibility.<sup>1</sup> In this case, Defendants' counsel  
8 shall also notify the court whether there are security concerns that would prohibit scheduling a  
9 settlement conference. If security concerns exist, counsel shall notify the court whether those  
10 concerns can be adequately addressed if Plaintiff is transferred for settlement only and then  
11 returned to prison for housing.

12 **II. CONCLUSION**

13 Based on the foregoing, IT IS HEREBY ORDERED that within **thirty (30) days** from  
14 the date of service of this order, Plaintiff and Defendants shall file a written response to this  
15 order.<sup>2</sup>

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17 IT IS SO ORDERED.

18 Dated: March 23, 2018

/s/ Gary S. Austin  
UNITED STATES MAGISTRATE JUDGE

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25 <sup>1</sup> The court previously scheduled a settlement conference in this case to be held at the court on January  
26 18, 2018, before a Magistrate Judge. (ECF No. 96.) However, due to disagreement between the parties about the  
27 feasibility of settlement, the conference was cancelled on December 12, 2017. (ECF No. 102.) The court strongly  
28 suggests that the parties discuss the possibility of settlement by telephone in determining whether they believe  
settlement is feasible and whether they are certain they want the court to schedule another settlement conference.

<sup>2</sup> 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.