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

STEWART MANAGO,  
Plaintiff,  
  
vs.  
  
D. DAVEY, et al.,  
  
Defendants.

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

**ORDER REQUIRING PARTIES TO NOTIFY  
COURT IN WRITING OF STATUS OF  
PLAINTIFF’S CRIMINAL TRIAL, EVERY  
THREE MONTHS  
(Resolves ECF No. 112.)**

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

On February 28, 2018, Plaintiff filed a motion in which he expressed willingness to discuss settlement of this case, either between the parties or with the court’s assistance. (ECF No. 109 at 3 ¶¶16, 17.) On March 23, 2018, the court issued an order requiring the parties to respond whether they believe a settlement conference in this case was feasible. (ECF No. 110.) On April 12, 2018, Plaintiff filed a motion requesting the court to schedule a settlement conference, stating that he will act in good faith to resolve this lawsuit. (ECF No. 112.) On April 17, 2018, Defendants responded to the court’s order, indicating their willingness to

1 proceed with a settlement conference and negotiate in good faith, with the assistance of the  
2 court and assurances from Plaintiff that he is willing to negotiate in good faith from his  
3 demand. (ECF No. 114.)

4 Defendants have requested that the settlement conference be scheduled at a future date.  
5 This is so in order to provide time for resolution of where Plaintiff will be located following his  
6 pending criminal trial in San Bernardino County Superior Court. Defendants note that the San  
7 Bernardino County Superior Court docket reveals that Plaintiff's criminal trial has recently  
8 been vacated, and a date has not yet been reset. Plaintiff is currently housed at High Desert  
9 Detention Center in Adelanto, California, and could potentially be returned to the custody of  
10 CDCR, which would allow the settlement conference with Plaintiff's attendance to be more  
11 feasible.

12 It appears beneficial to defer the scheduling of a settlement conference in this case until  
13 after Plaintiff's criminal trial is resolved. Therefore, the court shall not schedule a date for a  
14 settlement conference at this juncture. The parties shall be required to notify the court in  
15 writing of the status of Plaintiff's criminal trial every three months.

16 Based on the foregoing, **IT IS HEREBY ORDERED** that the parties to this action are  
17 required to notify the court in writing of the status of Plaintiff's criminal trial, every three  
18 months, with the first notice filed no later than July 31, 2018.

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20 IT IS SO ORDERED.

21 Dated: April 23, 2018

/s/ Gary S. Austin  
22 UNITED STATES MAGISTRATE JUDGE  
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