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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

RODRIGO LOPEZ,
Plaintiff,
v.
NORTH KERN STATE PRISON, et al.,
Defendants.

Case No. 1:16-cv-00881-DAD-BAM (PC)
ORDER LIFTING STAY OF PROCEEDINGS
ORDER VACATING JUNE 28, 2018
SETTLEMENT CONFERENCE BEFORE
MAGISTRATE JUDGE BOONE
ORDER REINSTATING BRIEFING ON
PENDING MOTIONS (ECF Nos. 23, 24)
TWENTY-ONE (21) DAY DEADLINE

Plaintiff Rodrigo Lopez (“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 against Defendant McDermott for failure to intervene in violation of the Eighth Amendment.

On April 5, 2018, 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. The Court’s order granted Defendant McDermott time to investigate and determine whether to opt out of the post-screening ADR project.

On April 18, 2018, Defendant filed a request to opt out and vacate the settlement conference. After reviewing the notice, the Court finds good cause to grant Defendant’s request. Therefore, the stay is lifted, and the June 28, 2018 settlement conference is vacated. In addition,

1 the Court reinstates briefing on Defendant's pending motion for summary judgment, (ECF No.
2 23), and motion for protective order, (ECF No. 24).

3 Accordingly, IT IS HEREBY ORDERED that:

- 4 1. Defendant's request to opt out of the post-screening ADR project, (ECF No. 27), is
5 GRANTED;
- 6 2. The stay of this action, (ECF No. 26), is LIFTED;
- 7 3. The parties may proceed with discovery pursuant to the April 4, 2018 discovery and
8 scheduling order in this matter, (ECF No. 25);
- 9 4. Within **twenty-one (21) days** from the date of service of this order, Plaintiff shall file
10 an opposition or statement of non-opposition to Defendant's motion for summary
11 judgment, (ECF No. 23);
- 12 5. Within **twenty-one (21) days** from the date of service of this order, Plaintiff shall file
13 an opposition or statement of non-opposition to Defendant's motion for protective
14 order, (ECF No. 24); and
- 15 6. Within **seven (7) days** from the date of filing in CM/ECF of Plaintiff's response(s) or
16 opposition(s), Defendant may file his reply, if any.

17
18 IT IS SO ORDERED.

19 Dated: April 20, 2018

/s/ Barbara A. McAuliffe
20 UNITED STATES MAGISTRATE JUDGE