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

RONALD TIMBERLAND,  
Plaintiff,  
v.  
G. MASCARENAS, et al.,  
Defendants.

1:16-cv-00922-LJO-GSA-PC

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

**THIRTY-DAY DEADLINE**

**I. BACKGROUND**

Ronald Timberland (“Plaintiff”) is a state prisoner proceeding *pro se* and *in forma pauperis* with this civil rights action filed pursuant to 42 U.S.C. § 1983. Plaintiff filed the Complaint commencing this action on June 27, 2016. (ECF No. 1.) This case now proceeds with Plaintiff’s Second Amended Complaint filed on June 20, 2018, against defendant G. Mascarenas (“Defendant”) for failure to protect Plaintiff in violation of the Eighth Amendment. (ECF No. 26.)

On December 20, 2019, Plaintiff filed a motion for referral of this case to the “Eastern District ADR Settlement Pilot Program.” (ECF No. 48.)

1 **II. SETTLEMENT PROCEEDINGS**

2 Plaintiff requests referral to an ADR Settlement Pilot Program that was established in the  
3 Eastern District of California in 1991, but is no longer available.

4 Presently, the Court is able to refer cases for mediation before a participating United  
5 States Magistrate Judge. Settlement conferences are ordinarily held in person at the Court or at  
6 a prison in the Eastern District of California. Plaintiff and Defendant shall notify the Court  
7 whether they believe, in good faith, that settlement in this case is a possibility and whether they  
8 are interested in having a settlement conference scheduled by the Court.<sup>1</sup>

9 Defendant's counsel shall notify the Court whether there are security concerns that would  
10 prohibit scheduling a settlement conference. If security concerns exist, counsel shall notify the  
11 Court whether those concerns can be adequately addressed if Plaintiff is transferred for settlement  
12 only and then returned to prison for housing.

13 **III. CONCLUSION**

14 Based on the foregoing, IT IS HEREBY ORDERED that within **thirty (30) days** from  
15 the date of service of this order, Plaintiff and Defendant shall each file a written response to this  
16 order, notifying the Court whether they believe, in good faith, that settlement in this case is a  
17 possibility and whether they are interested in having a settlement conference scheduled by the  
18 Court.<sup>2</sup>

19  
20 IT IS SO ORDERED.

21 Dated: January 6, 2020

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

23  
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26 <sup>1</sup> The parties may wish to discuss the issue by telephone in determining whether they believe settlement  
is feasible.

27 <sup>2</sup> The issuance of this order does not guarantee referral for settlement, but the Court will make every  
28 reasonable attempt to secure the referral should both parties desire a settlement conference.