UNITED STATES DISTRICT COURT EASTERN DISTRICT OF CALIFORNIA

DENELL CAVER,

Plaintiff,

V.

J. CEBALLOS, et al.,

Defendants.

Case No.: 1:16-cv-01885-DAD-BAM (PC)

ORDER GRANTING IN PART AND DENYING IN PART PLAINTIFF'S MOTION TO HAVE ALTERNATIVE DISPUTE RESOLUTION VIA TELEPHONE CONFERENCE

(ECF Nos. 19, 20)

Plaintiff Denell Caver ("Plaintiff") is a state prisoner appearing pro se and in forma pauperis in this civil rights action pursuant to 42 U.S.C. § 1983.

The Court originally set a settlement conference in this matter before the undersigned on October 24, 2017, at 10:30 a.m. at the United States Courthouse located at 2500 Tulare Street, Fresno, California. (ECF No. 17.) On September 25, 2017, Plaintiff filed the instant motion and supplemental motion to hold the alternative dispute resolution via telephone conference. (ECF Nos. 19, 20.) Plaintiff states that due to his mental health therapy program, it would cause him hardship to be transported 800 miles from High Desert State Prison to the court for the settlement conference. Plaintiff therefore requests to participate via telephone conference. (Id.) Although Defendants have not had an opportunity to respond, the Court finds a response unnecessary. Local Rule 230(1).

Having considered the request, the Court is persuaded that Plaintiff will experience hardship and disruption to his mental health treatment if transported to the court for the settlement conference,

but that Plaintiff is willing to engage in settlement negotiations. The Court finds good cause in this instance to allow Plaintiff to appear by **video teleconference**. A separate order and writ of habeas corpus ad testificandum will issue concurrently with this order.

Accordingly, IT IS HEREBY ORDERED that:

- 1. Plaintiff's motion to have alternative dispute resolution via telephone conference (ECF Nos. 19, 20) is GRANTED IN PART and DENIED IN PART;
- 2. Counsel for Defendants is required to arrange for the participation of Plaintiff by video conference and shall contact the Courtroom Deputy at (559) 499-5672 to coordinate the video conference no later than October 10, 2017; and
- 3. The parties shall submit confidential settlement statements as described in the Court's September 11, 2017 order, (ECF No. 17), no later than October 17, 2017.

IT IS SO ORDERED.

Dated: September 26, 2017

UNITED STATES MAGISTRATE JUDGE