

1  
2  
3  
4  
5  
6  
7  
8 UNITED STATES DISTRICT COURT  
9 EASTERN DISTRICT OF CALIFORNIA  
10

11 JAMAR R. HEARNS,

12 Plaintiff,

13 vs.

14 ROSA GONZALES, et al.,

15 Defendants.  
16  
17

1:17-cv-00038-AWI-GSA-PC

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

**THIRTY-DAY DEADLINE**

18 **I. BACKGROUND**

19 Jamar Hearn (“Plaintiff”) is a former prisoner proceeding *pro se* and *in forma pauperis*  
20 with this civil rights action pursuant to 42 U.S.C. § 1983. This case now proceeds with the First  
21 Amended Complaint filed by Plaintiff on February 9, 2018, against defendant Rosa Gonzales  
22 (“Defendant”) on Plaintiff’s claims for retaliation, violation of the Free Exercise Clause of the  
23 First Amendment, and violation of the Bane Act.<sup>1</sup> (ECF No. 17.)

24 On July 16, 2018, the court issued a discovery and scheduling order setting out deadlines  
25 for the parties, including a deadline of January 16, 2019 to complete discovery and a deadline of  
26 February 14, 2019, to file dispositive motions. (ECF No. 27.) On August 31, 2018, the court  
27

---

28 <sup>1</sup> On April 16, 2018, the court issued an order dismissing all other claims and defendants from  
this action. (ECF No. 21.)

1 extended the deadline for filing dispositive motions to March 14, 2018. (ECF No. 29.) On  
2 January 18, 2019, the court extended the discovery deadline to March 4, 2019, for a limited  
3 purpose and the deadline to file dispositive motions to May 4, 2019. (ECF No. 32.) All of the  
4 deadlines have now expired and no dispositive motions are pending.

5 At this stage of the proceedings the court ordinarily proceeds to schedule the case for  
6 trial. However, on May 21, 2020, Plaintiff filed a motion for the court to schedule a settlement  
7 conference for this case. (ECF No. 58.)

8 **II. SETTLEMENT CONFERENCES**

9 The court is able to refer cases for mediation before a participating United States  
10 Magistrate Judge. Settlement conferences are ordinarily held in person at the court or at a prison  
11 in the Eastern District of California. Defendant shall notify the court whether he believes,  
12 in good faith, that settlement in this case is a possibility and whether he is interested in having a  
13 settlement conference scheduled by the court.<sup>2</sup>

14 **III. CONCLUSION**

15 Based on the foregoing, IT IS HEREBY ORDERED that within **thirty (30) days** from  
16 the date of service of this order, Defendant shall file a written response to this order.<sup>3</sup>

17  
18 IT IS SO ORDERED.

19 Dated: May 23, 2020

/s/ Gary S. Austin  
UNITED STATES MAGISTRATE JUDGE

20  
21  
22  
23  
24  
25  
26 <sup>2</sup> The parties may wish to discuss the issue by telephone in determining whether they believe settlement  
is feasible.

27 <sup>3</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.