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8 UNITED STATES DISTRICT COURT
9 EASTERN DISTRICT OF CALIFORNIA
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11 LAMAR SINGLETON, SR.,

12 Plaintiff,

13 vs.

14 DR. FORTUNE, et al.,

15 Defendants.
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1:17-cv-00124-DAD-GSA-PC

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

TWENTY-ONE DAY DEADLINE

18 **I. BACKGROUND**

19 Lamar Singleton, Sr., (“Plaintiff”) is a state prisoner proceeding *pro se* and *in forma*
20 *pauperis* in this civil rights action filed pursuant to 42 U.S.C. § 1983. This case now proceeds
21 with the First Amended Complaint filed on February 19, 2016, against defendant Fortune
22 (“Defendant”) on Plaintiff’s medical claim pursuant to the Eighth Amendment. (ECF No. 25.)

23 On January 22, 2018, Plaintiff filed a motion requesting the court to schedule a
24 settlement conference in this case. (ECF No. 56.)

25 **II. SETTLEMENT PROCEEDINGS**

26 The court is able to refer cases for mediation before a participating United States
27 Magistrate Judge. Settlement conferences are ordinarily held in person at the court or at a
28 prison in the Eastern District of California. Plaintiff and Defendant Fortune shall notify the

1 court whether they believe, in good faith, that settlement in this case is a possibility and
2 whether they are interested in having a settlement conference scheduled by the court.¹

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

7 **III. CONCLUSION**

8 Based on the foregoing, IT IS HEREBY ORDERED that within **twenty-one (21) days**
9 from the date of service of this order, Plaintiff and Defendant Fortune shall file a written
10 response to this order.²

11 IT IS SO ORDERED.

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13 Dated: January 29, 2018

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

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

27 ² 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.