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8 UNITED STATES DISTRICT COURT
9 EASTERN DISTRICT OF CALIFORNIA
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11 MITCHELL GARRAWAY,

12 Plaintiff,

13 vs.

14 JACQUILINE CIUFO, et al.,

15 Defendants.
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1:17-cv-00533-DAD-GSA-PC

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

THIRTY-DAY DEADLINE

22 **I. BACKGROUND**

23 Mitchell Garraway (“Plaintiff”) is a federal prisoner proceeding *pro se* and *in forma*
24 *pauperis* with this civil rights action pursuant to Bivens vs. Six Unknown Agents, 403 U.S. 388
25 (1971). This case now proceeds with Plaintiff’s original Complaint filed on April 17, 2017,
26 against defendants Jacqueline Ciufo (Unit Manager), K. Miller (Corrections Officer), and
27 Lieutenant J. Zaragoza (collectively, “Defendants”), for failure to protect Plaintiff in violation of
28 the Eighth Amendment. (ECF No. 1.)

1 On November 27, 2018, the court issued a discovery and scheduling order, setting out
2 deadlines for the parties including a discovery deadline of May 25, 2019, and a dispositive
3 motions deadline of July 27, 2019. (ECF No. 26.) On March 4, 2020, the court extended the
4 discovery deadline to June 5, 2020 and the dispositive motions deadline to August 5, 2020. (ECF
5 No. 97.) The deadlines are now expired.

6 On March 13, 2019, the Court issued a Discovery and Scheduling Order establishing
7 deadlines for the parties, including a discovery deadline of September 13, 2019, and a dispositive
8 motion filing deadline of November 13, 2019. (ECF No. 15.) All of the deadlines have now
9 expired, and no motions are pending.

10 At this stage of the proceedings, the Court ordinarily proceeds to schedule the case for
11 trial.

12 **II. SETTLEMENT PROCEEDINGS**

13 The Court is able to refer cases for mediation before a participating United States
14 Magistrate Judge. Settlement conferences are ordinarily held at the Court or at a prison in the
15 Eastern District of California.¹ Plaintiff and Defendants shall notify the Court whether they
16 believe, in good faith, that settlement in this case is a possibility and whether they are interested
17 in having a settlement conference scheduled by the Court.²

18 Defendants' counsel shall notify the Court whether there are security concerns that would
19 prohibit scheduling a settlement conference. If security concerns exist, counsel shall notify the
20 Court whether those concerns can be adequately addressed if Plaintiff is transferred for settlement
21 only and then returned to prison for housing.

22 **III. CONCLUSION**

23 Based on the foregoing, IT IS HEREBY ORDERED that within **thirty (30) days** from
24 the date of service of this order, Plaintiff and Defendants shall each file a written response to this

26 ¹ Due to the Covid-19 pandemic, settlement conferences may be held remotely.

27 ² The parties may wish to discuss the issue by telephone in determining whether they believe
28 settlement is feasible.

1 order, notifying the Court whether they believe, in good faith, that settlement in this case is a
2 possibility and whether they are interested in having a settlement conference scheduled by the
3 Court.³

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5 IT IS SO ORDERED.

6 Dated: January 22, 2021

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

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³ The issuance of this order does not guarantee referral for settlement, but the Court will make every reasonable attempt to secure the referral should both parties desire a settlement conference.