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

WILLIAM J. GRADFORD,

Plaintiff,

v.

STANISLAUS PUBLIC SAFETY
CENTER, et al.,

Defendants.

1:17-cv-01248-DAD-GSA-PC

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

THIRTY-DAY DEADLINE

I. BACKGROUND

William J. Gradford (“Plaintiff”) is a former prisoner proceeding *pro se* and *in forma pauperis* with this civil rights action pursuant to 42 U.S.C. § 1983. This case now proceeds against defendant Sergeant Florres for use of excessive force in violation of the Eighth Amendment.

On October 10, 2019, the Court issued a Discovery and Scheduling Order establishing deadlines for the parties, including a discovery deadline of April 10, 2020, and a dispositive motion filing deadline of June 10, 2020. (ECF No. 32.) All of the deadlines have now expired and no dispositive motions have been filed. No other motions are pending.

At this stage of the proceedings, the Court ordinarily proceeds to schedule the case for trial. However, see below.

1 **II. SETTLEMENT PROCEEDINGS**

2 The Court is able to refer cases for mediation before a participating United States
3 Magistrate Judge. Settlement conferences are ordinarily held in person at the Court or at a prison
4 in the Eastern District of California, however, due to the current Covid 19 situation other
5 accommodations can be discussed. Therefore, Plaintiff and Defendant shall notify the Court
6 whether they believe, in good faith, that settlement in this case is a possibility and whether they
7 are interested in having a settlement conference scheduled by the Court.¹

8 **III. CONCLUSION**

9 Based on the foregoing, IT IS HEREBY ORDERED that within **thirty (30) days** from
10 the date of service of this order, Plaintiff and Defendant shall each file a written response to this
11 order, notifying the Court whether they believe, in good faith, that settlement in this case is a
12 possibility and whether they are interested in having a settlement conference scheduled by the
13 Court.²

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15 IT IS SO ORDERED.

16 Dated: August 6, 2020

/s/ Gary S. Austin
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.