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

MARCO A. GARCIA,

 Plaintiff,

 v.

GARCIA, et al.,

 Defendants.

Case No. 1:17-cv-01313-LJO-BAM (PC)

ORDER LIFTING STAY OF PROCEEDINGS

ORDER VACATING FEBRUARY 28, 2019
SETTLEMENT CONFERENCE

(ECF No. 20)

Plaintiff Marco A. Garcia (“Plaintiff”) is a state prisoner proceeding *pro se* and *in forma pauperis* in this civil rights action pursuant to 42 U.S.C. § 1983. This action proceeds on Plaintiff’s complaint against Defendants Garcia and Bursiaga for excessive force in violation of the Eighth Amendment.

On November 20, 2018, the Court identified this case as an appropriate case for the post-screening ADR (Alternative Dispute Resolution) project, and stayed the action to allow the parties an opportunity to settle their dispute before the discovery process begins. (ECF No. 20.) The Court’s order granted Defendants time to investigate and determine whether to opt out of the post-screening ADR project.

On December 10, 2018, Defendants filed a declaration of counsel in support of a notice to opt out of the early settlement conference. (ECF No. 24.) After reviewing the request, the Court finds good cause to grant Defendants’ request. Therefore, the stay is lifted, and the February 28,

1 2019, settlement conference is vacated. This case is now ready to proceed.

2 Accordingly, IT IS HEREBY ORDERED that:

- 3 1. The stay of this action (ECF No. 20) is LIFTED;
- 4 2. The February 28, 2019, settlement conference is vacated; and
- 5 3. The parties may proceed with discovery pursuant to the discovery and scheduling
- 6 order to be issued by separate order.

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8 IT IS SO ORDERED.

9 Dated: December 11, 2018


UNITED STATES MAGISTRATE JUDGE

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