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

JOSHUA A. WILLARD,
Plaintiff,
v.
C. WADDLE,
Defendant.

1:17-cv-01425-DAD-GSA-PC

**ORDER REQUIRING DEFENDANT TO
NOTIFY COURT WHETHER A SETTLEMENT
CONFERENCE WOULD BE BENEFICIAL
THIRTY-DAY DEADLINE**

I. BACKGROUND

Joshua A. Willard (“Plaintiff”) is a state prisoner proceeding *pro se* and *in forma pauperis* with this civil rights action pursuant to 42 U.S.C. § 1983. This case now proceeds with Plaintiff’s original Complaint, which was filed on October 24, 2017, against defendant Lieutenant C. Waddle, on Plaintiff’s claim for retaliation. (ECF No. 1.)

On October 16, 2018, the Court issued a Discovery and Scheduling Order establishing deadlines, including a discovery deadline of April 16, 2019, and a dispositive motion filing deadline of June 16, 2019. (ECF No. 19.) All of the deadlines have now expired and no dispositive motions are pending.

At this stage of the proceedings the Court ordinarily proceeds to schedule the case for trial. On June 24, 2019, Plaintiff filed a request for the court to schedule a settlement conference for this case. (ECF No. 24.)

1 **II. SETTLEMENT CONFERENCES**

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. Defendant shall notify the Court whether he believes,
5 in good faith, that settlement in this case is a possibility, and whether he is interested in having a
6 settlement conference scheduled by the Court.¹

7 Defendant's counsel shall also notify the Court whether there are security concerns that
8 would prohibit scheduling a settlement conference. If security concerns exist, counsel shall
9 notify the Court whether those concerns can be adequately addressed if Plaintiff is transferred
10 for settlement only and then returned to prison for housing.

11 **III. CONCLUSION**

12 Based on the foregoing, IT IS HEREBY ORDERED that within **thirty (30) days** from
13 the date of service of this order, Defendant shall file a written response to this order.²

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15 IT IS SO ORDERED.

16 Dated: July 29, 2019

/s/ Gary S. Austin
UNITED STATES MAGISTRATE JUDGE

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26 _____
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.