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8 UNITED STATES DISTRICT COURT
9 EASTERN DISTRICT OF CALIFORNIA
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11 CHRISTOPHER LIPSEY, JR.,

12 Plaintiff,

13 vs.

14 N. HAND-RONGA, et al.,

15 Defendants.
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1:17-cv-01704-LJO-GSA-PC

**ORDER DENYING PLAINTIFF'S
REQUEST FOR REFERRAL TO
VOLUNTARY DISPUTE RESOLUTION
PROGRAM
(ECF No. 19.)**

17 **I. BACKGROUND**

18 Christopher Lipsey, Jr. ("Plaintiff") is a state prisoner proceeding *pro se* and *in forma*
19 *pauperis* with this civil rights action pursuant to 42 U.S.C. § 1983. Plaintiff filed the Complaint
20 commencing this action on December 19, 2017. (ECF No. 1.) On April 9, 2018, Plaintiff filed
21 a First Amended Complaint as a matter of course. (ECF No. 12.) On September 24, 2018, the
22 court issued a screening order dismissing the First Amended Complaint for failure to state a claim
23 with leave to file a Second Amended Complaint within thirty days. (ECF No. 15.) On December
24 3, 2018, Plaintiff filed a Second Amended Complaint which awaits the court's requisite
25 screening. (ECF No. 16.)

26 On December 28, 2018, Plaintiff filed a request for the court to refer this case to the
27 "Alternative Dispute Resolution Project" after the court has completed screening the complaint.
28 (ECF No. 19.)

1 **II. VOLUNTARY DISPUTE RESOLUTION PROGRAM -- LOCAL RULE 271**

2 Local Rule 271 governs the referral of certain actions to the Voluntary Dispute Resolution
3 Program (“VDRP”) at the election of the parties. However, this Rule does not apply to prisoner
4 cases. L.R. 271(a)(2). Therefore, Plaintiff’s case cannot be referred to the VDRP under Rule
5 271 and his request must be denied.

6 However, the court is able to refer prisoner cases for settlement before a participating
7 United States Magistrate Judge. Settlement conferences are ordinarily held in person at the court,
8 or at a prison in the Eastern District of California. As a rule, the court does not refer cases for
9 settlement unless both Plaintiff and Defendants have notified the court that they believe, in good
10 faith, that settlement is a possibility and that they are interested in having a settlement conference
11 scheduled by the court. In this case none of the Defendants have appeared, and therefore referral
12 for settlement is premature. If Plaintiff still seeks to settle this case at a later stage of the
13 proceedings, after the Defendants have appeared, he may file a request at that time for the court
14 to schedule a settlement conference.

15 **III. CONCLUSION**

16 Based on the foregoing, IT IS HEREBY ORDERED that Plaintiff’s request for referral
17 of this case to the Voluntary Dispute Resolution Program is DENIED.

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19 IT IS SO ORDERED.

20 Dated: January 12, 2019

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