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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

NATHANIEL MARCUS GANN,
Plaintiff,
v.
VERA-BROWN,
Defendant.

Case No. 1:18-cv-00084-BAM (PC)
ORDER GRANTING MOTION TO OPT OUT
OF SETTLEMENT CONFERENCE
(ECF No. 53)
ORDER LIFTING STAY OF PROCEEDINGS
ORDER VACATING JANUARY 13, 2022
SETTLEMENT CONFERENCE
(ECF No. 50)
ORDER DIRECTING CLERK OF COURT TO
ISSUE DISCOVERY AND SCHEDULING
ORDER

Plaintiff Nathaniel Marcus Gann (“Plaintiff”) is a state prisoner proceeding *pro se* in this civil rights action pursuant to 42 U.S.C. § 1983. This action proceeds on Plaintiff’s second amended complaint against Defendant Vera-Brown for deliberate indifference to serious medical needs in violation of the Eighth Amendment. All parties have consented to Magistrate Judge jurisdiction. (ECF No. 52.)

On October 19, 2021, 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. 50.) The Court’s order granted Defendant time to investigate and determine whether to opt out of the

1 post-screening ADR project.

2 On November 18, 2021, Defendant filed a motion to opt out of the settlement conference
3 and request to vacate the settlement conference. (ECF No. 53.) Therefore, the stay is lifted, and
4 the January 13, 2022, settlement conference is vacated. This case is now ready to proceed.

5 If the parties wish to set a settlement conference with the Court at a later date, they should
6 so inform the Court. However, the parties are also reminded that they are not precluded from
7 negotiating a settlement without judicial assistance.

8 Accordingly, IT IS HEREBY ORDERED that:

- 9 1. Defendant's motion to opt out of early alternative dispute resolution, (ECF No.
10 53), is GRANTED;
- 11 2. The stay of this action, (ECF No. 50), is LIFTED;
- 12 3. The January 13, 2022 settlement conference is VACATED;
- 13 4. The Clerk of the Court is DIRECTED to issue a discovery and scheduling order;
14 and
- 15 5. The parties may proceed with discovery pursuant to the discovery and scheduling
16 order to be issued by separate order.

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18 IT IS SO ORDERED.

19 Dated: November 20, 2021

/s/ Barbara A. McAuliffe
20 UNITED STATES MAGISTRATE JUDGE

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