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UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

SCOTT BARBOUR,

 Plaintiff,

 v.

UNITED STATES OF AMERICA,

 Defendant.

Case No. 1:18-cv-00246-NONE-BAM (PC)

ORDER GRANTING REQUEST TO OPT
OUT OF POST SCREENING ADR
(ECF No. 46)

ORDER LIFTING STAY OF PROCEEDINGS

ORDER VACATING APRIL 29, 2021
SETTLEMENT CONFERENCE
(ECF No. 45)

ORDER DIRECTING CLERK OF COURT TO
ISSUE DISCOVERY AND SCHEDULING
ORDER

Plaintiff Scott Barbour (“Plaintiff”) is a federal prisoner proceeding *pro se* and *in forma pauperis* in this civil rights action pursuant to the Federal Tort Claims Act, 28 U.S.C. § 1346(b). This action proceeds against Defendant United States of America on Plaintiff’s claim for failure to patrol.

On February 24, 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. 45.) The Court’s order granted Defendant time to investigate and determine whether to opt out of the post-screening ADR project.

1 On March 24, 2021, Defendant filed a notice to opt out of post screening ADR. (ECF No.
2 46.) Defense counsel states that after investigating Plaintiff's claims, corresponding with
3 Plaintiff, and conferring with others, defense counsel in good faith finds that a settlement
4 conference would be a waste of resources. (Id.)

5 The Court finds good cause to grant Defendants' request. Therefore, the stay is lifted, and
6 the April 29, 2021, settlement conference is vacated. This case is now ready to proceed.

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

10 Accordingly, IT IS HEREBY ORDERED that:

- 11 1. Defendant's request to opt out of early alternative dispute resolution, (ECF No.
12 46), is GRANTED;
- 13 2. The stay of this action, (ECF No. 45), is LIFTED;
- 14 3. The April 29, 2021 settlement conference is VACATED;
- 15 4. The Clerk of the Court is DIRECTED to issue a discovery and scheduling order;
16 and
- 17 5. The parties may proceed with discovery pursuant to the discovery and scheduling
18 order to be issued by separate order.

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20 IT IS SO ORDERED.

21 Dated: March 25, 2021

22 /s/ Barbara A. McAuliffe
23 UNITED STATES MAGISTRATE JUDGE
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