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7	UNITED STATES DISTRICT COURT		
8	EASTERN DISTRICT OF CALIFORNIA		
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10	JERRY DILLINGHAM,	Case No. 1:18-cv-00579-NONE-EPG (PC)	
11	Plaintiff,		
12	V.	ORDER REQUIRING PARTIES TO PARTICIPATE IN SECOND	
13	F. GARCIA,	SETTLEMENT CONFERENCE	
14	Defendant.	ORDER APPOINTING LIMITED PURPOSE COUNSEL FOR SETTLEMENT	
15		ORDER VACATING THE TELEPHONIC	
16		TRIAL CONFIRMATION HEARING, THE TRIAL, AND ALL RELATED	
17		DEADLINES	
18	Jerry Dillingham ("Plaintiff") is a state prisoner proceeding pro se and in forma pauperis		
19	with this civil rights action filed pursuant to 42 U.S.C. § 1983.		
20	On September 18, 2020, Defendant filed a response to this Court's order, indicating that		
21	he "does not believe that a second settlement conference would be productive at this time." (ECF		
22	No. 128, p. 2). However, given that Defendant stated that Plaintiff appears to be willing to		
23	participate in a second settlement conference, and given the ongoing judicial emergency in this		
24	district, the Court will require the parties to participate in a second settlement conference and will		
25	vacate the telephonic trial confirmation hearing, the trial, and all related deadlines.		
26	Additionally, the court finds that the appointment of counsel for Plaintiff is warranted for		
27	the limited purpose of assisting Plaintiff prepare for and participate in a settlement conference.		
28	M. Greg Mullanax has been selected from the Court's Pro Bono Attorney Panel to represent		
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2	Plaintiff for this limited purpose and has agreed to be appointed.		
3		Accordingly, IT IS HEREBY ORDERED that:	
4	1.	The telephonic trial confirmation hearing, the trial, and all related deadlines are	
5		VACATED. If necessary, the Court will reset these deadlines after the second settlement	
6		conference.	
7	2.	M. Greg Mullanax is appointed as limited purpose counsel for Plaintiff in the above	
8		entitled matter. This appointment is for the limited purpose of assisting Plaintiff with	
9		preparing for and participating in a settlement conference.	
10	3.	M. Greg Mullanax's appointment will terminate fifteen days after completion of the	
11		settlement conference, or any continuation of the settlement conference.	
12	4.	While the Court is appointing M. Greg Mullanax to serve as counsel for Plaintiff, at this	
13		time the Court is not approving any expenses. The expenses incurred in representing	
14		Plaintiff must be approved in advance and be necessary to Plaintiff's case, given that the	
15		reimbursement funds come directly out of the Court's Non-Appropriated Fund, which is	
16		the limited fund for the entire district for all non-appropriated matters. The Court notes	
17		that under General Order No. 558 § 3, paragraph B, "[i]n the event of settlement or other	
18		successful resolution of the case which results in a monetary award to the indigent litigant	
19		equal to or exceeding the reimbursed costs under this section, the indigent litigant through	
20		counsel shall reimburse the Fund for such out-of-pocket expenses allowed and reimbursed	
21		under this section." In other words, any expenses incurred will be reimbursed from any	
22		settlement or award to Plaintiff.	
23	5.	Appointed counsel shall notify Sujean Park at (916) 930-4278, or via email at	
24		spark@caed.uscourts.gov, if he has any questions related to the appointment.	
25	6.	The Clerk of Court is directed to serve a copy of this order upon M. Greg Mullanax, Law	
26		Office of M. Greg Mullanax, 2140 N. Winery Ave., Suite 101, Fresno, CA 93703.	
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2	7. Counsel for the parties are directed to contact Sujean Park (<u>spark@caed.uscourts.gov</u>)				
3	within 7 days of this order to schedule a settlement conference.				
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5	IT IS SO ORDERED.				
6	Dated:	September 28, 2020	15/ Enci P. Grosp		
7			UNITED STATES MAGISTRATE JUDGE		
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