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

JEROME MARKIEL DAVIS,
Plaintiff,
v.
STATE OF CALIFORNIA, *et al.*,
Defendants.

Case No. 1:18-cv-00832-DAD-BAM (PC)
ORDER LIFTING STAY OF PROCEEDINGS
ORDER VACATING OCTOBER 8, 2019
SETTLEMENT CONFERENCE
(ECF No. 25)

Plaintiff Jerome Markiel Davis (“Plaintiff”) is a state prisoner proceeding *pro se* and *in forma pauperis* in this civil rights action pursuant to 42 U.S.C. § 1983. This action proceeds on Plaintiff’s complaint against Defendant Roberts in her individual capacity for deliberate indifference in violation of the Eighth Amendment, arising from the alleged incident of food tampering.

On July 10, 2019, 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. 25.) The Court’s order granted Defendant time to investigate and determine whether to opt out of the post-screening ADR project.

On August 7, 2019, Defendant filed a notice of opt-out and request to vacate settlement conference. (ECF No. 28.) After reviewing the request, the Court finds good cause to grant

1 Defendant's request. Therefore, the stay is lifted, and the October 8, 2019, settlement conference
2 is vacated. This case is now ready to proceed.

3 Accordingly, IT IS HEREBY ORDERED that:

- 4 1. The stay of this action, (ECF No. 25), is LIFTED;
- 5 2. The October 8, 2019, settlement conference is vacated; and
- 6 3. The parties may proceed with discovery pursuant to the discovery and scheduling
7 order to be issued by separate order.

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9 IT IS SO ORDERED.

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11 Dated: August 8, 2019

/s/ Barbara A. McAuliffe
UNITED STATES MAGISTRATE JUDGE

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