

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

JEREMY DELPHIN,  
Plaintiff,  
v.  
J. MORLEY, et al.,  
Defendants.

Case No. 1:19-cv-01076-JLT-SKO (PC)  
**ORDER CONFIRMING SETTLEMENT  
CONFERENCE FOR MONDAY, JULY 11,  
2022, AT 1:00 P.M. VIA ZOOM  
VIDEOCONFERENCE**

Plaintiff Jeremy Delphin is a state prisoner proceeding *pro se* and *in forma pauperis* in this civil rights action filed pursuant to 42 U.S.C. § 1983.

**RELEVANT BACKGROUND**

This matter was previously set for a settlement conference before the undersigned on May 16, 2022, at 1:00 p.m. (Doc. 65.) On May 11, 2022, the Court was advised that Plaintiff was unavailable to participate in the scheduled settlement conference due to Plaintiff being transferred to another institution. (Doc. 70 [minute order].) In an Order issued May 17, 2022, Defendants were directed to file a status report no later than June 15, 2022, to update the Court concerning Plaintiff's incarceration location and ability to participate in a settlement conference. (Doc. 71.)

On June 14, 2022, Defendants E. Banuelos, M. Brown, J. Morley, T. Stewart, and T. Villalobos filed a status report advising that Plaintiff was then housed at the R.J. Donovan Correctional Facility and would remain there for the foreseeable future. (Doc. 72.) Defendants

1 also provided the Court with possible dates on which that facility could accommodate a video  
2 settlement conference in this matter, including July 11, 2022. (*Id.* at 2)

3 On June 21, 2022, the Court issued its Order Resetting Settlement Conference for July 11,  
4 2022, at 1:00 p.m., before the undersigned. (Doc. 73.) That same date, an Order and Writ of  
5 Habeas Corpus ad Testificandum, directed to the Warden at the R.J. Donovan Correctional  
6 Facility, was issued commanding Plaintiff be produced to participate in the settlement conference  
7 of July 11, 2022. It specifically ordered that “[t]he custodian is ordered to notify the court of any  
8 change in custody of this inmate and is to provide the new custodian with a copy of this writ.”  
9 (Doc. 74 at 1.) The Order and Writ were mailed to the Litigation Coordinator at R.J. Donovan on  
10 June 21, 2022. (Doc. 75 [docket annotation].)

11 An Amended Order and Writ of Habeas Corpus ad Testificandum issued on June 23,  
12 2022, after the Court learned Plaintiff was being transferred from R.J. Donovan to the California  
13 Men’s Colony. Again, the Warden of that facility was ordered to produce Plaintiff on July 11,  
14 2022, at 1:00 p.m. for a Zoom video conference. (Doc. 76.) The Amended Order and Writ were  
15 mailed to the Litigation Coordinator at the California Men’s Colony on that same date. (Doc. 77  
16 [docket annotation].)

17 On July 1, 2022, Defendants filed their Notice of Submission of Confidential Settlement  
18 Conference Statement. (Doc. 78.)

19 On July 6, 2022, the Court learned that Plaintiff was being transferred for the fourth time<sup>1</sup>  
20 in two months; specifically, that Plaintiff was being transferred to “SAC on Friday, July 8, 2022.  
21 He will not be at CMC to attend his Monday, July 11, 2022 appearance.”

## 22 **DISCUSSION**

23 To avoid any confusion, this Order confirms that Plaintiff shall participate at 1:00 p.m. on  
24 July 11, 2022, via Zoom videoconference. The settlement conference will proceed on that date  
25 and the Warden of the California State Prison, Sacramento shall produce Plaintiff as commanded  
26 so that Plaintiff, a necessary and material witness, may participate as ordered.

---

27 <sup>1</sup> On May 11, 2022, the Court learned Plaintiff was being transferred from the California Correctional Institution to  
28 the California Health Care Facility (CHCF). Plaintiff was subsequently transferred from CHCF to R.J. Donovan  
(RJD). Plaintiff is now to be transferred from RJD to “SAC,” or California State Prison, Sacramento.

1 The Amended Order and Writ of Habeas Corpus ad Testificandum issued June 23, 2022,  
2 travels with the inmate, Plaintiff Delphin. It reads “The custodian is ordered to notify the court of  
3 any change in custody of his inmate *and is ordered to provide the new custodian with a copy of*  
4 *this writ.*” (Doc. 76 at 1, emphasis added.) The Order additionally directs the Warden as follows:  
5 “**FURTHER**, you have been ordered to notify the court of any change in custody of the inmate  
6 and have been ordered to provide the new custodian with a copy of this writ.” (*Id.* at 2, emphasis  
7 in original.)

8 The Order and Writ shall be accommodated despite Plaintiff’s impending transfer from  
9 R.J. Donovan to California State Prison, Sacramento. The Warden at CSP-Sacramento shall make  
10 whatever arrangements are necessary to ensure Plaintiff is available to participate as scheduled  
11 and ordered by the Court.

12 **CONCLUSION AND ORDERS**

13 Accordingly, it is hereby **ORDERED** that:

- 14 1. The settlement conference scheduled for **July 11, 2022, at 1:00 p.m.**, before the  
15 undersigned is **CONFIRMED**. The settlement conference shall be conducted via  
16 Zoom videoconference and shall last up to three hours;
- 17 2. The Clerk of the Court is **DIRECTED** to serve this Order on the Litigation  
18 Coordinators at the R.J. Donovan Correctional Facility and the California State Prison,  
19 Sacramento **via email and U.S. Mail**;
- 20 3. Counsel for Defendants **SHALL** contact the Litigation Coordinator at California State  
21 Prison, Sacramento, no later than July 8, 2022, to ensure arrangements have been  
22 made for Plaintiff’s participation on July 11, 2022, at 1:00 p.m. via Zoom  
23 videoconference; and

24 //

25 //

26 //

27 //

28 //

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

4. The Warden of California State Prison, Sacramento, **SHALL** produce Jeremy Delphin, CDCR #AK-6169, on **July 11, 2022, at 1:00 p.m. via Zoom videoconference**, along with any necessary legal property, until completion of the settlement conference or as ordered by the court.<sup>2</sup>

IT IS SO ORDERED.

Dated: July 6, 2022

/s/ Eric P. Gray  
UNITED STATES MAGISTRATE JUDGE

---

<sup>2</sup> If Plaintiff fails to attend this conference once again, the Court will order he be physically transported to the Court for the settlement conference.