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UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

ROBERT QUINCY THOMAS,  
Plaintiff,  
vs.  
REYNA, et al.,  
Defendants.

**1:19-cv-01217-DAD-GSA-PC**  
**ORDER REQUIRING PARTIES TO**  
**NOTIFY COURT WHETHER A**  
**SETTLEMENT CONFERENCE WOULD**  
**BE BENEFICIAL**  
**THIRTY-DAY DEADLINE**

Plaintiff, Robert Quincy Thomas, is a state prisoner proceeding *pro se* and *in forma pauperis* with this civil rights action pursuant to 42 U.S.C. § 1983. Plaintiff filed the Complaint commencing this action on September 4, 2019. (ECF No. 1.) This case now proceeds with the original Complaint against defendants Correctional Officer (C/O) L. Reyna, C/O M. Podsakoff, C/O P. Vellido, C/O J. Centeno, and Sergeant (Sgt.) N. Huerta (collectively, “Defendants”), for use of excessive force in violation of the Eighth Amendment. (Id.)

On February 23, 2021, the Court issued a Discovery/Scheduling Order in this action, establishing a deadline of July 23, 2021 for the parties to conduct discovery, and a deadline of September 23, 2021 for the filing of pretrial dispositive motions. (ECF No. 23.) All dispositive motions have been resolved and the pretrial deadlines have now expired. At this stage of the proceedings the Court ordinarily proceeds to schedule the case for trial.

1 The Court is able to refer cases for mediation/settlement before a participating United  
2 States Magistrate Judge. Settlement conferences are ordinarily held in person at the Court or at  
3 a prison in the Eastern District of California. Plaintiff and Defendants shall notify the Court  
4 whether they believe, in good faith, that settlement in this case is a possibility and whether they  
5 are interested in having a settlement conference scheduled by the Court.<sup>1</sup>

6 Defendants' counsel shall notify the Court whether there are security concerns that would  
7 prohibit scheduling a settlement conference. If security concerns exist, counsel shall notify the  
8 Court whether those concerns can be adequately addressed if Plaintiff is transferred for settlement  
9 only and then returned to prison for housing.

10 **II. CONCLUSION**

11 Based on the foregoing, IT IS HEREBY ORDERED that within **thirty (30) days** from  
12 the date of service of this order, Plaintiff and Defendants shall file a written response to this  
13 order.<sup>2</sup>

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15 IT IS SO ORDERED.

16 Dated: January 10, 2022

/s/ Gary S. Austin  
UNITED STATES MAGISTRATE JUDGE

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26 <sup>1</sup> The parties may wish to discuss the issue by telephone in determining whether they believe  
settlement is feasible.

27 <sup>2</sup> The issuance of this order does not guarantee referral for settlement, but the Court will make  
28 every reasonable attempt to secure the referral should both parties desire a settlement conference.