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8 UNITED STATES DISTRICT COURT
9 EASTERN DISTRICT OF CALIFORNIA
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11 EVERETTE LANE,

12 Plaintiff,

13 vs.

14 DR. BEACH,

15 Defendant.
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1:20-cv-00147-JLT-GSA-PC

**ORDER REQUIRING PARTIES TO
NOTIFY COURT WHETHER A
SETTLEMENT CONFERENCE WOULD
BE BENEFICIAL**

THIRTY-DAY DEADLINE

18 **I. BACKGROUND**

19 Everette Lane (“Plaintiff”) is a state prisoner proceeding *pro se* and *in forma pauperis*
20 with this civil rights action pursuant to 42 U.S.C. § 1983. Plaintiff filed the Complaint
21 commencing this action on January 29, 2020. (ECF No. 1.) This case now proceeds with the
22 First Amended Complaint, filed on April 19, 2021, against defendant Dr. Beach for deliberate
23 indifference in violation of the Eighth Amendment. (ECF No. 12.)

24 On March 30, 2022, the Court issued a Discovery and Scheduling Order establishing
25 deadlines for the parties, including a discovery deadline of August 30, 2022, and a dispositive
26 motion filing deadline of October 30, 2022. (ECF No. 24.) All of the deadlines have now expired
27 and no dispositive motions have been filed. No other motions are pending. At this stage of the
28 proceedings the Court ordinarily proceeds to schedule the case for trial.

1 **II. SETTLEMENT PROCEEDINGS**

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

7 Defendant’s counsel shall notify the Court whether there are security concerns. If security
8 concerns exist, counsel shall notify the Court whether those concerns can be adequately
9 addressed if Plaintiff is transferred for settlement only and then returned to prison for housing.

10 **III. 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 Defendant shall each file a written response to this
13 order, notifying the Court whether they believe, in good faith, that settlement in this case is a
14 possibility and whether they are interested in having a settlement conference scheduled by the
15 Court.²

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18 IT IS SO ORDERED.

19 Dated: November 17, 2022

/s/ Gary S. Austin
UNITED STATES MAGISTRATE JUDGE

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

27 ² 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.