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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

CURTIS LEE HENDERSON, SR.,

Plaintiff,

v.

S. CASTILLO, JR., et al.,

Defendants.

Case No. 1:20-cv-01199-AWI-SKO (PC)

**ORDER DENYING PLAINTIFF’S MOTION
FOR REFERRAL TO ALTERNATIVE
DISPUTE RESOLUTION**

(Doc. 30)

Plaintiff Curtis Lee Henderson, Sr., is a state prisoner proceeding *pro se* and *in forma pauperis*. On April 1, 2021, Plaintiff filed a “motion for early settlement program,” requesting that the Court refer this case to alternative dispute resolution (“ADR”). (Doc. 21.) The Court denied the motion as premature because it had not yet directed service of the complaint, and no defendants had appeared in this action. (Doc. 22.) The Court stated, “[i]f the defendants appear and file an answer to the complaint, the Court will refer this case to ADR at that point.” (*Id.* at 2.)

On April 16, 2021, the Court issued an order directing service of Plaintiff’s complaint. (Doc. 24.) Defendants then filed a waiver of service of process, (Doc. 28), but have not filed an answer to the complaint.

On May 26, 2021, Plaintiff filed a second motion to refer this case to ADR. (Doc. 30.) Plaintiff states that in its order denying his previous motion, the Court stated “that ‘when defendants make an appearance . . . it will order an ADR settlement program.’” (*Id.*) However,

1 that is not what the Court stated. As explained above, the Court indicated that it will not refer this
2 case to ADR unless and until “the defendants appear *and* file an answer to the complaint.” (Doc.
3 22 at 2 (emphasis added).) If Defendants file an answer, the Court will refer this case to ADR at
4 that time. Plaintiff need not file an additional motion requesting that this case be referred to ADR.

5 Based on the foregoing, the Court DENIES Plaintiff’s motion.

6
7 IT IS SO ORDERED.

8 Dated: June 2, 2021

/s/ Sheila K. Overta
UNITED STATES MAGISTRATE JUDGE