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

DANNY GEROME YOUNG,

Plaintiff,

No. CIV S-03-2225 KJM P

vs.

J. PULSIPHER,

Defendant.

ORDER

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This matter is currently set for jury trial on January 12, 2009 at 10:00 a.m. Plaintiff has requested a continuance of the trial date in order to pursue settlement; he has also asked leave to file an amended complaint.

Defendant does not oppose the continuance or the referral to Magistrate Judge Nandor Vadas for settlement; he does oppose plaintiff's request to amend the complaint.

Although the court will not address the motion to amend the complaint at this time, the motion for a continuance to allow for a further settlement conference is appropriate.

IT IS THEREFORE ORDERED:

1. The jury trial date of January 12, 2009 is hereby vacated;
2. The writ of habeas corpus ad testificandum issued December 30, 2008 for Danny Gerome Young, C-53235 is hereby vacated;

1                   3. The Clerk of the Court is directed to serve a copy of this order on Michael S.  
2 Evans, Warden, Salinas Valley State Prison, 31625 Highway 101, Soledad, CA  
3 93960 and on the Out-To-Court Desk, California State Prison -Sacramento, P.O. Box 290007,  
4 Represa, California 95671;

5                   4. The case is referred to Magistrate Judge Nandor Vadas for a settlement  
6 conference. The parties are directed to contact Gloria Masterson, Courtroom Deputy to  
7 Magistrate Judge Vadas, within ten days of the filed date of this order to arrange a date for the  
8 settlement conference and shall file a letter on the docket memorializing the date;

9                   5. The Clerk of the Court is directed to send a copy of the instant order to  
10 Magistrate Judge Nandor Vadas, Northern District of California, 514 H Street, Eureka,  
11 California 95501-1038;

12                  6. Magistrate Judge Nandor Vadas shall file a report on the docket in this case,  
13 within twenty days of the settlement conference, indicating the outcome of the settlement  
14 proceedings; and

15                  7. The case is set for a status conference on February 25, 2009 at 10:00 a.m. in  
16 Courtroom 26.

17 DATED: January 6, 2009.

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20 U.S. MAGISTRATE JUDGE  
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