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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

EARNEST CASSELL WOODS, II,
Plaintiff,
v.
TOM L. CAREY, et al.,
Defendants.

No. 2:04-cv-01225 MCE AC P

ORDER

Plaintiff is a state prisoner proceeding pro se and in forma pauperis in this action filed pursuant to 42 U.S.C. § 1983, which proceeds on the amended complaint filed on October 28, 2004.

This case has a long and complicated procedural history that includes multiple dispositive motions, a trial, and appeal. See ECF No. 315 at 2-4. Defendant Cervantes has now requested a settlement conference. ECF No. 334. Prior to Cervantes’ request, plaintiff filed a motion to appear at the settlement conference, which appears to have been filed in response to defendant’s attempt to determine if plaintiff was interested in trying to settle the case. ECF No. 333. Since it appears to the court that both parties are interested in pursuing settlement and that this case will benefit from a settlement conference, defendant Cervantes’ request for a settlement conference will be granted. Before assigning a settlement judge, however, the court needs to know if the parties will agree to the undersigned serving as the settlement judge, waiving any conflict that

1 may arise as a result. Defendant has already indicated that he would be willing to waive any
2 conflict. ECF No. 334.

3 In addition to requesting a settlement conference, defendant Cervantes also requests that
4 the court's order to satisfy the 2009 judgment against him¹ and file a notice of compliance be
5 stayed until the conclusion of the settlement conference. Id. This request will be granted.

6 Finally, in his motion to attend the settlement conference, plaintiff has requested that he
7 be permitted to appear in civilian clothes and that he be permitted to bring his siddur and tallit if
8 he has to travel to Sacramento. ECF No. 333. Since the settlement conference will be before a
9 magistrate judge only and a jury will not be present, plaintiff's request to appear in civilian
10 clothes will be denied. With respect to plaintiff's request to bring his siddur and tallit, to the
11 extent plaintiff is seeking an order from the court that he be allowed to bring these items with
12 him, his request will be denied. Plaintiff should address his request to the appropriate individuals
13 at the institution where he is housed. If prison authorities approve plaintiff's request, he may
14 bring his siddur and tallit to the settlement conference.

15 Accordingly, IT IS HEREBY ORDERED that:

16 1. Defendant Cervantes' request for a settlement conference (ECF No. 334) is granted.
17 Within fourteen days of the filing of this order, the parties shall each file a signed Notice of
18 Waiver of Disqualification if they wish to consent to the undersigned serving as settlement judge.
19 Failure of either party to file a waiver will result in this case being randomly assigned to another
20 magistrate judge for purposes of conducting a settlement conference. Further instructions will
21 issue once a settlement judge is assigned.

22 2. Defendant Cervantes' request to stay the court's September 29, 2014 order directing
23 him to satisfy the 2009 judgment until the conclusion of the settlement conference (ECF No. 334)
24 is granted.

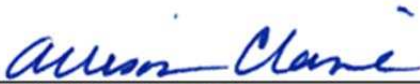
25 3. Plaintiff's request to appear at the settlement conference in civilian clothes (ECF No.
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27 ¹ Plaintiff was awarded \$500 in compensatory damages and \$1000 in punitive damages. ECF
28 Nos. 230. The award for compensatory damages was satisfied on November 14, 2014. ECF No.
332.

1 333) is denied.

2 4. Plaintiff's request to bring his siddur and tallit to the settlement conference (ECF NO.
3 333) is denied to the extent he seeks an order from the court requiring that he be permitted to
4 bring the items with him. The request is granted to the extent that if prison authorities allow
5 plaintiff to be transported with his siddur and tallit, he will be permitted to have them with him at
6 the settlement conference.

7 DATED: April 15, 2015

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ALLISON CLAIRE
10 UNITED STATES MAGISTRATE JUDGE
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EARNEST CASSELL WOODS, II,
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No. 2:04-cv-01225 MCE AC P

NOTICE OF WAIVER OF
DISQUALIFICATION OF SETTLEMENT
JUDGE PURSUANT TO LOCAL RULE
270(b)

Plaintiff, a state prisoner proceeding pro se, requests that the assigned Magistrate Judge participate in a settlement conference in this action and hereby waives any claim of disqualification of the assigned Magistrate Judge on that basis thereafter.

DATED:

EARNEST CASSELL WOODS, II
Plaintiff pro se

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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

EARNEST CASSELL WOODS, II,
Plaintiff,
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TOM L. CAREY, et al.,
Defendants.

No. 2:04-cv-01225 MCE AC P

NOTICE OF WAIVER OF
DISQUALIFICATION OF SETTLEMENT
JUDGE PURSUANT TO LOCAL RULE
270(b)

Defendant requests that the assigned Magistrate Judge participate in a settlement conference in this action and hereby waives any claim of disqualification of the assigned Magistrate Judge on that basis thereafter.

DATED:

Attorney for Defendant Cervantes