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

EDWARD T. MALONE,

Plaintiff,

No. CIV S-06-2046 GEB CKD P

vs.

D.L. RUNNELS, et al.,

Defendants.

ORDER

_____ /

Plaintiff is a California prisoner proceeding pro se with an action for violation of civil rights under 42 U.S.C. § 1983. The parties have filed their pretrial statements. However, since defendant Adams was recently dismissed, the court will order the parties to file amended pretrial statements addressing only plaintiff's remaining claim against defendant Trullinger.

Also, plaintiff has filed a motion asking that the court set this matter for settlement conference. Defendant has not responded to the motion. The motion will be denied, but the parties will be instructed to indicate in their amended pretrial statements their respective positions as to whether a settlement conference should be scheduled before trial.

Accordingly, IT IS HEREBY ORDERED that:

1. Plaintiff shall file an amended pretrial statement within thirty days of this order. The only claim plaintiff shall address in his amended pretrial statement is whether

1 defendant Trullinger failed to protect plaintiff from inmate violence in violation of the Eighth
2 Amendment. Defendant Trullinger shall file his amended pretrial statement within fourteen days
3 of service of plaintiff's.

4 2. Plaintiff's June 13, 2011 motion for a settlement conference is denied. In their
5 amended pretrial statements, the parties shall indicate whether a settlement conference should be
6 scheduled before trial.

7 Dated: November 2, 2011

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9 CAROLYN K. DELANEY
10 UNITED STATES MAGISTRATE JUDGE

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