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

DWAYNE EICHLER,
Plaintiff,

No. CIV S-06-2894-JAM-CMK-P

vs.

ORDER

TILTON, et al.,
Defendants.

_____ /

Plaintiff, a state prisoner proceeding pro se and in forma pauperis, brings this civil rights action pursuant to 42 U.S.C. § 1983. Pending before the court is a defense objection to the court ordered mediation (Doc. 126).

On June 16, 2010, the court found this case appropriate for referral to mediation, and set a mediation for August 11, 2010, at 10:00 a.m. The defense is objecting to the mediation on the basis that they have not had an opportunity to file and have the court rule on a motion for summary judgment, and that the mediator is a private attorney.

The court notes the objections, and overrules them. As stated above, the court finds this case appropriate for mediation. The court also finds that the defense’s objection to mediation before a private attorney disingenuous. In a recent similar case, responding to an

1 identical objection, Judge Hollows noted that “this district has the highest caseload per judge in
2 the entire country and each judge is burdened with a large workload. Attorneys have graciously
3 volunteered their time to aid this district which is greatly appreciated, and the undersigned finds
4 defendants’ opposition to attorney mediators not well-founded and serves as no basis for this
5 decision.”

6 The court confirms this case for mediation on August 11, 2010, at 10:00 a.m.,
7 Courtroom #1, U.S. District Court, 501 I Street, Sacramento, California. As set forth in the
8 court’s previous order, both sides shall attend the mediation and persons in attendance shall be
9 prepared to discuss the case, and have full and unlimited authority to negotiate and enter into a
10 binding settlement.

11 IT IS SO ORDERED.

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13 DATED: July 28, 2010

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15 **CRAIG M. KELLISON**
16 UNITED STATES MAGISTRATE JUDGE
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