

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26

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

STANLEY SIMS,

Plaintiff,

No. CIV S-07-0898 MCE EFB P

vs.

VEAL, et al.,

Defendants.

ORDER

_____/

This is an action brought under 42 U.S.C. § 1983 by a state prisoner proceeding in pro per. Defendants had previously filed a motion for summary judgement. However, the court was subsequently informed by court staff that this action had been selected for an early settlement conference before Magistrate Judge Kellison, as part of pilot Alternative Dispute Resolution project. For that reason the court ordered the defendants' motion for summary judgement denied without prejudice and directed the defendants to renew the motion if the action did not settle. Defendants promptly filed a notice correcting the record and clarifying that the defendants had no notice of any settlement conference and had not requested to participate in any pilot settlement project. For that reason, defendants' filing renewed their previously-filed motion for summary judgment.

////

1 Good cause appearing therefore, defendants' motion for summary judgment is
2 resubmitted on the briefs previously filed.

3 Dated: August 19, 2009.

4 
5 EDMUND F. BRENNAN
6 UNITED STATES MAGISTRATE JUDGE
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26