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

LONNIE TRIPP,

Plaintiff,

No. CIV S-08-2876 GEB GGH P

vs.

M.S. EVANS, et al.,

Defendants.

ORDER

_____/

Plaintiff is a prisoner proceeding pro se with an action under 42 U.S.C. § 1983. On July 6, 2010, the undersigned ordered both parties to attend a mediation with a volunteer attorney on August 11, 2010. On July 12, 2010, defendants filed an objection to the mediation and requested it be vacated. Defendants argued that discovery is ongoing and they cannot ascertain the full extent of plaintiff’s claims until plaintiff is deposed and a decision regarding a dispositive motion is made. The undersigned has reviewed this case where plaintiff requests a different diet based on his medical condition. It is not entirely clear why defendants require deposition testimony to be able to make an informed decision about this case. It would seem that a review of plaintiff’s medical file, which defendants have easy access to, is all that is required.¹

¹ Defendants also argue that plaintiff’s request for injunctive relief may be moot as plaintiff was transferred to a different prison. However, the court has not been informed of any change of

1 In the order directing the parties to mediation, the undersigned stated that neither
2 party was required to attend for more than three hours. Rather than spend a few hours mediating
3 this case, defendants would prefer to spend their time and resources with discovery and motion
4 practice.² However, it would appear to be a waste of time to order defendants to attend
5 mediation if they have no interest. Therefore, the undersigned will vacate the mediation order.

6 Defendants also object to the mediation because it will be performed by a
7 volunteer attorney and defendants would, “only be amenable to a Magistrate Judge or District
8 Judge”. As defendants are no doubt aware, this district has the highest caseload per judge in the
9 entire country and each judge is burdened with a large workload. Attorneys have graciously
10 volunteered their time to aid this district which is greatly appreciated, and the undersigned finds
11 defendants’ opposition to attorney mediators not well-founded and serves as no basis for this
12 decision.

13 Accordingly, IT IS HEREBY ORDERED that August 11, 2010, mediation is
14 cancelled and the court’s July 6, 2010, order (Doc. 46), be vacated.

15 DATED: July 19, 2010

16 /s/ Gregory G. Hollows
17

18 _____
19 GREGORY G. HOLLOWES
20 UNITED STATES MAGISTRATE JUDGE

21 GGH:ab
22 trip2876.vac
23

24 _____
25 address and the docket reflects that plaintiff is still incarcerated at Folsom State Prison.

26 ² The undersigned has already issued findings and recommendations on a motion to dismiss
in this case. Doc. 30.