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

ROBERT WILLIS,

Plaintiff,

No. 2:09-cv-0342 MCE DAD P

vs.

R. WEEKS,

Defendants.

ORDER

\_\_\_\_\_ /

Plaintiff, a state prisoner proceeding pro se, has filed this civil rights action seeking relief under 42 U.S.C. § 1983. On January 19, 2012, the assigned district judge granted defendant Weeks’ motion for summary judgment based on plaintiff’s failure to exhaust his Eighth Amendment claim prior to bringing this action and referred this matter back to the Magistrate Judge for further proceedings with respect to plaintiff’s First Amendment retaliation claim against defendant Weeks, which the defendant did not address by way of summary judgment motion. Plaintiff filed an interlocutory appeal of the district court’s order, and the Ninth Circuit has since dismissed the appeal for lack of jurisdiction.

In due course, the court will issue a further scheduling order setting dates for the filing of pretrial statements, pretrial conference, and jury trial. However, before issuing the further scheduling order, the court will set a mandatory settlement conference in this case. If

1 available, the court may order that plaintiff participate in the settlement conference by way of  
2 video-conferencing. Pursuant to Local Rule 270(b), the parties will be directed to inform the  
3 court in writing as to whether they wish to proceed with the settlement conference before the  
4 undersigned magistrate judge or if they wish to be referred to the court's mediation program.

5 Accordingly, IT IS HEREBY ORDERED that:

6 1. Within twenty-one days of the date of this order, each party shall inform the  
7 court in writing as to whether they wish to proceed with the settlement conference before the  
8 undersigned magistrate judge or if they wish to wish to be referred to the court's mediation  
9 program. If the parties wish to proceed before the undersigned magistrate judge, each party shall  
10 return to the court the consent form for settlement conferences provided with this order. If the  
11 parties do not wish the undersigned magistrate judge to preside at the settlement conference, each  
12 party shall file a declaration stating he wishes to be referred to the court's mediation program;  
13 and

14 2. The Clerk of the Court is directed to send each party the consent form for  
15 settlement conferences.

16 DATED: July 5, 2012.

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20 DALE A. DROZD  
21 UNITED STATES MAGISTRATE JUDGE

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