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

ARCHIE A. MARTINEZ,

No. CIV S-09-0680-KJM-CMK-P

Plaintiff,

vs.

ORDER

G. HOOVER, et al.,

Defendants.

_____ /

Plaintiff, a state prisoner proceeding pro se, brings this civil rights action pursuant to 42 U.S.C. § 1983. Pending before the court is a plaintiff's request for referral to mediation.

Plaintiff's request was filed after the defendants filed a motion for summary judgment. While the court encourages participation in alternative dispute resolution, such participation is generally more productive when there is not a dispositive motion pending. Thus, the court declines to submit this case to mediation until such time as the pending motion for summary judgment has been resolved. If appropriate, following the resolution of that motion, the court may revisit the idea of referring this case for mediation.

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