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

NIKIANO MONTOYA,

Plaintiff,

No. CIV S-09-1580 MCE CKD P

vs.

D. CHILDERS,

Defendant.

ORDER

_____ /

This matter is set for trial on July 2, 2012. (Dkt. No. 43.) On December 29, 2011, defendant filed a pretrial statement in which he stated:

Plaintiff has proposed a settlement of this case for \$169.00 (Doc. 44) and defendant accepted said offer and forwarded a release of all claims and stipulated dismissal with prejudice for plaintiff's execution. However, thus far defendant has yet to receive executed copies of the documents back from plaintiff. Commensurate with this filing defendant has once again mailed to plaintiff the settlement documents.

(Dkt. No. 52 at 6.) The court will order the parties to provide an update on the settlement process to determine whether this matter should remain set for trial. In the interest of conserving judicial resources, the parties are encouraged to settle this matter if they can in fact agree upon a settlement amount.

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1 Accordingly, IT IS HEREBY ORDERED THAT the parties file, either jointly or
2 separately, an update(s) on the status of settlement negotiations within fourteen days of service of
3 this order.

4 Dated: May 9, 2012

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6 _____
7 CAROLYN K. DELANEY
8 UNITED STATES MAGISTRATE JUDGE

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