

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

WILLIAM YOUNG SUTHERLAND,

Plaintiff,

No. CIV S-09-2391 WBS DAD P

vs.

S. HERRMANN, et al.,

Defendants.

ORDER

_____ /

Plaintiff, a state prisoner proceeding pro se, has filed this civil rights action seeking relief under 42 U.S.C. § 1983. On February 5, 2013, the undersigned issued findings and recommendations, recommending that the motion for summary judgment filed on behalf of defendants Spinks and Parmar be denied. On February 27, 2013, the assigned district judge adopted those findings and recommendations in full and denied defendants' motion for summary judgment. The other two defendants in this action have not moved for summary judgment.

In due course, the court will issue a further scheduling order setting dates for pretrial statements, pretrial conference, and jury trial. However, before issuing the scheduling order, the court will set a mandatory settlement conference in this case. If available, the court may order that plaintiff participate in the settlement conference by way of video-conferencing. Pursuant to Local Rule 270(b), the parties will be directed to inform the court in writing as to

1 whether they wish to proceed with the settlement conference before the undersigned magistrate
2 judge or if they wish to be referred to the court's mediation program.

3 Accordingly, IT IS HEREBY ORDERED that:

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

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

14 DATED: March 1, 2013.

15
16 
17 _____
DALE A. DROZD
UNITED STATES MAGISTRATE JUDGE

18 DAD:12
19 suth09cv2391.sc
20
21
22
23
24
25
26