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

OSHAY JOHNSON,

Plaintiff,

No. 2:08-cv-1494 JAM KJN P

vs.

CARROL, et al.,

Defendants.

ORDER

_____/

Plaintiff is a state prisoner, proceeding with court-appointed counsel, in this civil rights action filed pursuant to 42 U.S.C. § 1983. On August 28, 2012, the district judge adopted the undersigned’s findings and recommendations, thereby granting in part, and denying in part, defendants’ motion for summary judgment. (See Dkt. Nos. 43, 44.) This action now proceeds on the following claims against the following defendants: (1) Against defendants Carroll and Sisto, on plaintiff’s First Amendment free exercise claims, and Fourteenth Amendment equal protection claims; and (2) Against defendants J. Johnson, Fowler, Jackura, San Nicholas, and Kesterson, on plaintiff’s First Amendment retaliation and conspiracy claims.

Before scheduling this action for pretrial and trial proceedings, the court invites counsel for plaintiff and defendants to consider whether a settlement conference would be helpful

1 in this action, and should first be set.


2 Accordingly, IT IS HEREBY ORDERED that, within 30 days after the filing date
3 of this order, counsel for all parties shall file a joint statement that informs the court of the
4 following:

5 1. Whether a settlement conference should be scheduled in this action and, if so,
6 whether the parties agree that the undersigned may preside over the conference or request that
7 another magistrate judge do so.

8 2. If all parties do not agree that a settlement conference should be set at this
9 time, a joint statement that identifies: (a) the anticipated length of trial; and (b) any dates within
10 the next year when any party may be unavailable for trial or a trial confirmation hearing.

11 SO ORDERED.

12 DATED: September 10, 2012

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15 KENDALL J. NEWMAN
16 UNITED STATES MAGISTRATE JUDGE

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