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

CARL FOUNTAIN,

Plaintiff,

No. 2:10-cv-02633-KJM-DAD P

vs.

A. LEBRON, et al.,

Defendants.

ORDER

\_\_\_\_\_ /

Plaintiff, a state prisoner represented by counsel, filed this civil rights action seeking relief under 42 U.S.C. § 1983. On September 6, 2012, the assigned district judge adopted in full the undersigned’s findings and recommendations issued April 18, 2012, and denied the motion for summary judgment filed on behalf of defendants Gonzalez, Cooper and Lebron. (Doc. No. 68.) This action is now proceeding with respect to plaintiff’s Eighth Amendment failure to protect claim.

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. Pursuant to Local Rule 270(b), the parties will be directed to inform the court in writing as to whether they wish to proceed with the settlement conference before the undersigned magistrate

1 judge or if they wish to be referred to the court's mediation program and randomly assigned to  
2 another magistrate judge for the settlement conference.

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 be referred to the court's mediation program. If  
7 the parties wish to proceed before the undersigned magistrate judge, each party shall return to the  
8 court the waiver of disqualification form for settlement conference provided with this order. If  
9 the parties do not wish the undersigned magistrate judge to preside at the settlement conference,  
10 each party shall file a declaration stating he wishes to be referred to the court's mediation  
11 program; and

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

14 DATED: September 18, 2012.

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18 DALE A. DROZD  
19 UNITED STATES MAGISTRATE JUDGE

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