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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

HENRY A. JONES,
Plaintiff,
v.
P. KUPPINGER, et al.,
Defendants.

No. 2:13-cv-0451 WBS AC P

ORDER

Plaintiff, a state prisoner proceeding pro se, has filed this civil rights action seeking relief under 42 U.S.C. § 1983. The matter was referred to a United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

On September 6, 2017, the magistrate judge filed findings and recommendations herein which were served on all parties and which contained notice to all parties that any objections to the findings and recommendations were to be filed within fourteen days. Neither party has filed objections to the findings and recommendations, but plaintiff requests that a settlement conference be scheduled.

The court has reviewed the file and finds the findings and recommendations to be supported by the record and by the magistrate judge’s analysis. Additionally, this court finds that a second settlement conference is warranted in this case at this time rather than immediately proceed to pretrial and trial matters.


Accordingly, IT IS HEREBY ORDERED that:

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1. The findings and recommendations filed September 6, 2017, are adopted in full;
2. Defendants' motion for partial summary judgment, ECF No. 101, is granted in part as follows:
 - a. Granted to defendants Moore and Kuppinger on plaintiff's Eighth Amendment deliberate indifference claims; and
 - b. Denied as to plaintiff's Eighth Amendment failure to protect claim against defendant Moore.
3. As a result, this action shall proceed against defendant Kuppinger on plaintiff's excessive force claim, and against defendant Moore on plaintiff's failure to protect claim.
4. The Clerk of Court is directed to contact Ms. Sujean Park, this court's Alternative Dispute Resolution Coordinator, for the purpose of scheduling a mandatory settlement conference in this case at the earliest opportunity.

IT IS SO ORDERED.

Dated: October 19, 2017



WILLIAM B. SHUBB
UNITED STATES DISTRICT JUDGE

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