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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

JOSEPH BIVINS,

Plaintiff,

v.

DR. JU,

Defendant.

No. 2:16-0389 MCE KJN P

ORDER

Plaintiff is a state prisoner, proceeding without counsel, with a civil rights complaint under 42 U.S.C. § 1983. Plaintiff alleges that defendant Dr. Ju was deliberately indifferent to plaintiff’s serious mental health needs, in violation of the Eighth Amendment. (See ECF No. 9 at 3.) On April 26, 2017, defendant filed a motion to opt out of the post-screening ADR project. After reviewing the motion, the court finds good cause to grant defendant’s motion. Therefore, the stay is lifted, the May 10, 2017 settlement conference is vacated, the writ of habeas corpus ad testificandum for plaintiff’s attendance at the settlement conference is vacated, and defendant shall file a responsive pleading.

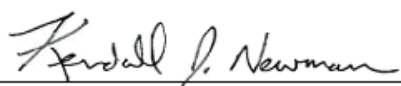
Accordingly, IT IS HEREBY ORDERED that:

1. Defendants’ motion to opt out (ECF No. 25) is granted and the stay of this action (ECF No. 18) is lifted;

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2. The May 10, 2017 settlement conference before the undersigned is vacated;
3. The March 21, 2017 writ of habeas corpus ad testificandum (ECF No. 24) is vacated;
4. The Clerk of the Court shall serve a copy of this order on the Warden of Folsom State Prison, P.O. Box 715071, Represa, CA 95671, and the out-to court- desk, California State Prison - Sacramento, P.O. Box 290007, Represa, CA 95671;
5. Defendant Dr. Ju shall file a responsive pleading within thirty days from the date of this order.

Dated: April 28, 2017


KENDALL J. NEWMAN
UNITED STATES MAGISTRATE JUDGE

/bivi0389.optout