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

CHARLES ROBERT PECK, JR.,

Plaintiff,

v.

JULIE NAMAN, et al.,

Defendants.

Case No. 2:16-cv-0736 KJM KJN

**ORDER GRANTING DEFENDANTS’
REQUEST TO OPT OUT OF THE POST-
SCREENING ADR PROJECT AND
PROCEED ON THEIR MOTION TO
DISMISS (ECF No. 20)**

Plaintiff is a state prisoner, proceeding without counsel. In his civil rights complaint under 42 U.S.C. § 1983, plaintiff challenges the seizing of monies from his inmate trust account. On September 5, 2017, after investigating plaintiff’s claims, speaking with plaintiff, and conferring with counsel’s supervisor, defendants filed a request to opt out of the post-screening ADR project, and proceed with their presently pending motion to dismiss. On September 11, 2017, plaintiff filed a motion to rescind the stay, based on defendants’ request to opt out of the ADR project.


After reviewing the request and the motion, as well as the motion to dismiss, the court finds good cause to grant both defendants’ request and plaintiff’s motion to lift the stay. Plaintiff also asks the court to order defendants to file an answer without further delay. However, because

1 defendants filed a motion to dismiss, the motion to dismiss must first be resolved before
2 defendants are required to file an answer. Plaintiff is directed to file an opposition to the motion
3 to dismiss.

4 Accordingly, IT IS HEREBY ORDERED that:

- 5 1. Defendants' motion to opt out (ECF No. 22) is granted;
- 6 2. Plaintiff's motion (ECF No. 23) is partially granted;
- 7 3. The stay of this action is lifted;
- 8 4. Plaintiff shall file an opposition or statement of non-opposition to defendants' motion to
9 dismiss (ECF No. 20) within twenty-one days from the date of this order; and
- 10 5. Defendants' reply, if any, shall be filed seven days thereafter.

11 Dated: September 25, 2017

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14 KENDALL J. NEWMAN
15 UNITED STATES MAGISTRATE JUDGE

14 /peck0736.optout
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