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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

DOMINGO L. CLEVELAND, SR,
Plaintiff,
v.
JANSSEN PHARMACEUTICALS,
Defendant.

No. 2:16-cv-02308-MCE-AC

ORDER

Plaintiff is a state prisoner proceeding pro se and in forma pauperis. Plaintiff seeks relief against Janssen Pharmaceuticals for physical and mental harm he alleges he sustained after taking one of their drugs. Upon review of plaintiff’s most recent motion for appointment of counsel and the documents on file, and good cause appearing, the court finds as follows:

1. Efforts to obtain legal representation without order of this court would be futile for the following reasons:
 - a. Plaintiff’s income is below the current poverty threshold established by the Office of Management and Budget of the United States and he is otherwise without resources to obtain counsel;
 - b. This case is of a type that attorneys in this district ordinarily do not accept without prepayment of a fee; and
 - c. This case is not a fee generating case within the meaning of California Business

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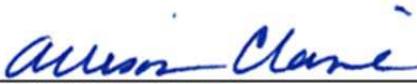
and Professions Code § 8030.4(e).

2. This case has sufficient merit to warrant appointment for the limited purpose of representing plaintiff in a settlement conference.

Therefore, THIS COURT ORDERS AS FOLLOWS:

1. Plaintiff’s motion for the appointment of counsel (ECF No. 31) and motion for a settlement conference (ECF No. 33) are granted;
2. Plaintiff’s motions to oppose discovery and motions to compel discovery (ECF Nos. 34 and 35) are VACATED without decision and without prejudice as premature;
3. This case is referred to the court’s Pro Bono Coordinator, Sujean Park, to locate counsel willing to represent plaintiff in this case for purposes of settlement only; and
4. After counsel is appointed, within fourteen days of counsel appearing on behalf of plaintiff, the parties shall each file a signed Notice Regarding Waiver of Disqualification (“Waiver Form”), indicating whether they will agree to the undersigned serving as the settlement judge. Failure of either party to file a waiver will result in this case being randomly assigned to another magistrate judge for purposes of conducting a settlement conference; and
5. Following receipt of each party’s signed Waiver Form, the court will schedule a settlement conference.

Dated: January 8, 2018



ALLISON CLAIRE
UNITED STATES MAGISTRATE JUDGE