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UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

IMMANUEL CHRISTIAN PRICE,  
Plaintiff,  
v.  
C&PR, et al.,  
Defendants.

No. 2:17-cv-0382 GEB KJN P

ORDER AND ORDER REFERRING CASE  
TO POST-SCREENING ADR PROJECT AND  
STAYING CASE FOR 120 DAYS

Plaintiff is a state prisoner, proceeding without counsel. Defendants have answered the complaint. On July 19, 2017, plaintiff filed a motion to stay the deadline for responding to defendants’ answer until after the settlement conference on August 23, 2017, previously set in 2:17-cv-0099 KJN. On July 25, 2017, defendants filed a motion to consolidate this action with 2:17-cv-0099 KJN. On August 8, 2017, the undersigned related this action to 2:17-cv-0099 KJN.

Plaintiff’s Motion for Stay

Rule 7(a) of the Federal Rules of Civil Procedure provides for the filing of a complaint, an answer to a complaint, and, “if the court orders one, a reply to an answer.” Fed. R. Civ. P. 7(a) (emphasis added). The court has not ordered plaintiff to reply to defendants’ answer and declines to make such an order. Thus, plaintiff’s motion for stay is denied.

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1           Defendants' Motion to Consolidate

2           Counsel for defendants in this case is the same as counsel for defendants in 2:17-cv-0099  
3 KJN. Counsel for defendants filed a motion to consolidate in this case, but filed a notice of  
4 related cases in 2:17-cv-0099 KJN. In light of the referral of both of these cases to the ADR pilot  
5 project, the undersigned declines to consolidate these cases at this time.

6           Referral to ADR Project

7           The undersigned is referring all post-screening civil rights cases filed by pro se inmates to  
8 the Post-Screening ADR (Alternative Dispute Resolution) Project in an effort to resolve such  
9 cases more expeditiously and less expensively. Defense counsel from the Office of the California  
10 Attorney General has agreed to participate in this pilot project. No defenses or objections shall be  
11 waived by their participation.

12           As set forth in the screening order, plaintiff has stated a potentially cognizable civil rights  
13 claim. Thus, the court stays this action for a period of 120 days to allow the parties to investigate  
14 plaintiff's claims, meet and confer, and then participate in a settlement conference.

15           Plaintiff and counsel for defendants waived disqualification for the undersigned to hold  
16 the settlement conference in 2:17-cv-0099 KJN on August 23, 2017. It appears from the filings  
17 of plaintiff and counsel for defendants in both 2:17-0099 KJN and 2:17-cv-0382 GEB KJN that  
18 the parties agree that the issues in both cases are similar and involve the same questions of law.  
19 Good cause appearing, 2:17-cv-0382 GEB KJN shall also be set for settlement on August 23,  
20 2017, at 9:00 a.m., before the undersigned.

21           At least seven days prior to conference, the parties shall submit to the assigned settlement  
22 judge a confidential settlement conference statement. The parties' confidential settlement  
23 conference statement shall include the following: (a) names and locations of the parties; (b) a  
24 short statement of the facts and alleged damages; (c) a short procedural history; (d) an analysis of  
25 the risk of liability, including a discussion of the efforts made to investigate the allegations; and  
26 (e) a discussion of the efforts that have been made to settle the case.

27           In accordance with the above, IT IS HEREBY ORDERED that:

- 28           1. Plaintiff's motion to stay (ECF No. 19) is denied as unnecessary;

1           2. Defendants' motion to consolidate (ECF No. 22) is denied without prejudice;

2           3. This action is stayed for 120 days to allow the parties an opportunity to settle their  
3 dispute before the discovery process begins. Except as provided herein or by subsequent court  
4 order, no other pleadings or other documents may be filed in this case during the stay of this  
5 action. The parties shall not engage in formal discovery, but the parties may elect to engage in  
6 informal discovery.

7           4. This action is set for settlement conference on August 23, 2017, at 9:00 a.m., before the  
8 undersigned.

9           5. Within thirty days from the date of this order, the parties shall file the attached notice,  
10 informing the court they waive disqualification for the undersigned to hold the settlement  
11 conference.

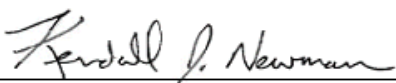
12           6. At least seven days prior to the settlement conference, each party shall submit a  
13 confidential settlement conference statement, as described above, to the judge assigned for  
14 settlement.

15           7. If a settlement is reached at any point during the stay of this action, the parties shall file  
16 a Notice of Settlement in accordance with Local Rule 160.

17           8. The Clerk of the Court shall serve copies of (a) plaintiff's complaint (ECF No. 1), (b)  
18 the screening order (ECF No. 7), and (c) the instant order, on Supervising Deputy Attorney  
19 General Monica Anderson.

20           9. The parties remain obligated to keep the court informed of their current address at all  
21 times during the stay and while the action is pending. Any change of address must be reported  
22 promptly to the court in a separate document captioned for this case and entitled "Notice of  
23 Change of Address." See L.R. 182(f).

24 Dated: August 10, 2017

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26 \_\_\_\_\_  
27 KENDALL J. NEWMAN  
28 UNITED STATES MAGISTRATE JUDGE

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3 UNITED STATES DISTRICT COURT  
4 FOR THE EASTERN DISTRICT OF CALIFORNIA  
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6 IMMANUEL CHRISTIAN PRICE,

No. 2:17-cv-0382 GEB KJN P

7 Plaintiff,

8 v.

NOTICE RE: JUDGE ELECTION FOR  
SETTLEMENT CONFERENCE (POST-  
SCREENING ADR PROJECT)

9 C&PR, et al.,

10 Defendants.  
11

12 As required by court order, the parties notify the court of the following election:

13 \_\_\_\_\_ Pursuant to Local Rule 270(b) of the Eastern District of California, the party signing  
14 below affirmatively requests that the assigned Magistrate Judge participate in the settlement  
15 conference and, further, waives any claim of disqualification of the assigned Magistrate Judge on  
16 that basis thereafter. This waiver is not to be construed as consent to the Magistrate Judge's  
17 jurisdiction under 28 U.S.C. § 636(c)(1).

18 DATED:

19 \_\_\_\_\_  
20 Plaintiff or Counsel for Defendants  
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