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

DANIEL LEE THORNBERRY,
Plaintiff,
v.
J. BAL, et al.,
Defendants.

No. 2:17-CV-0953-TLN-DMC-P

ORDER

Plaintiff, a prisoner proceeding pro se, brings this civil rights action pursuant to 42 U.S.C. § 1983. Pending before the court is plaintiff’s request to stay proceedings and refer the matter to mediation. See ECF No. 86. Defendants have filed a response. See ECF No. 91.

In his request, plaintiff seeks an order referring the matter to mediation or a court-supervised settlement conference and a stay of proceeding pending settlement efforts. In their response, defendants state they believe the matter can be resolved on summary judgment and do not consent to mediation or a settlement conference. Because not all parties agree to participate in mediation or a settlement conference, plaintiff’s request is denied at this time. However, in the

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1 event defendants bring a motion for summary judgment and are not successful, either party is
2 authorized and encouraged to file a further request for a settlement conference, notwithstanding
3 the denial of the pending motion.

4 IT IS SO ORDERED.

5 Dated: January 29, 2020



6 DENNIS M. COTA
7 UNITED STATES MAGISTRATE JUDGE
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