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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

DEREK TATE,

Plaintiff,

v.

J. ANDRES,

Defendant.

No. 2:18-cv-0822 AC P

ORDER

Plaintiff is a state prisoner proceeding pro se and in forma pauperis with this civil rights action filed pursuant to 42 U.S.C. § 1983. By order filed August 5, 2019, this case was referred to the court’s Post-Screening ADR (Alternative Dispute Resolution) Project and stayed for a period of 120 days. ECF No. 21. That order provided defendant the opportunity to request opting out of the ADR Project based on a good faith belief that a settlement conference would be a waste of resources. Id. at 2. Defendant has now filed a notice stating that he is opting out of the Post-Screening ADR Project and requesting that the court re-set his deadline to respond to the complaint. ECF No. 22. Defendant’s notice will be construed as a request, and the request will be granted.¹

¹ Counsel for defendant is advised that in the future, they must move to opt out of the Post-Screening ADR Project, and any such motions should affirm that counsel has taken the steps outlined in the order referring the case to the Post-Screening ADR Project and give a reason for the decision to opt out.

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Accordingly, IT IS HEREBY ORDERED that:

1. Defendants' request to opt out of the Post-Screening ADR Project (ECF No. 22) is GRANTED.
2. The stay of this action, commencing August 5, 2019 (ECF No. 21), is LIFTED.
3. Within twenty-one days of the filing of this order, defendant shall file a response to the complaint.

DATED: August 23, 2019



ALLISON CLAIRE
UNITED STATES MAGISTRATE JUDGE