(PC) Tate v. Andres Doc. 90 1 2 3 4 5 6 7 8 UNITED STATES DISTRICT COURT 9 FOR THE EASTERN DISTRICT OF CALIFORNIA 10 11 DEREK TATE, No. 2:18-cv-0822 KJM AC P 12 Plaintiff. 13 **ORDER** v. 14 J. ANDRES, 15 Defendant. 16 17 Plaintiff is a state prisoner proceeding pro se and in forma pauperis with a civil rights 18 action pursuant to 42 U.S.C. § 1983. Defendant moved for partial summary judgment and sought 19 dismissal of plaintiff's retaliation claim. ECF No. 72. The motion was granted, and plaintiff's 20 retaliation claim has been dismissed. ECF No. 89. This case is therefore ready to proceed to trial 21 on plaintiff's excessive force claim. Id. However, the court has determined that this case would 22 benefit from a settlement conference before pretrial and trial dates are set. Therefore, this case 23 will be scheduled for a settlement conference. Under Local Rule 270(b), because the undersigned is not the trial judge, the undersigned may conduct the settlement conference, "except that, at the 24 25 time the settlement conference is scheduled or as otherwise ordered by the Court, any party may 26 request that the conference not be conducted by the assigned Magistrate Judge." //// 27 //// 28 1

Accordingly, IT IS HEREBY ORDERED that within fourteen days of the service of this order, any party may request that the settlement conference be conducted by a magistrate judge other than the undersigned. If no party requests a different magistrate judge, a settlement conference will be scheduled before the undersigned.

DATED: September 1, 2022

ALLISON CLAIRE

UNITED STATES MAGISTRATE JUDGE