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UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

GENTRY WILLIAMS,  
Plaintiff,  
v.  
J. FANNON,  
Defendant.

No. 2:19-cv-0486 MCE DB P

ORDER

Plaintiff is a state prisoner who alleges defendant used excessive force in violation of plaintiff's Eighth Amendment rights. Both parties are proceeding pro se. Defendant has requested a settlement conference.

This court requires information from both parties before scheduling a settlement conference. First, plaintiff must agree that a settlement conference would be useful at this time. Second, both parties must inform the court whether they will waive any claim of disqualification from having the undersigned magistrate judge conduct the settlement conference. If a party does not waive any claim of disqualification, and if both parties agree to a settlement conference, then a settlement conference will be scheduled before a different magistrate judge. Third, defendant must inform the court whether he has access to Zoom video conferencing. Due to the ongoing COVID-19 pandemic, the court is not holding settlement conferences in person. Instead, the conference will be held through video conferencing. The court can arrange for plaintiff's

1 appearance at a video conference but requires confirmation that defendant can participate through  
2 that method as well.

3 Accordingly, and good cause appearing, IT IS HEREBY ORDERED as follows:

4 1. Within twenty days of the date of this order, plaintiff shall file with the court, and serve  
5 on defendant Fannon, the following statement:

6 a. Whether plaintiff does, or does not, feel a settlement conference would be  
7 useful at this time; and

8 b. If plaintiff feels a settlement conference would be useful, he shall state whether  
9 he waives any claim of disqualification from having the undersigned magistrate judge  
10 conduct the settlement conference.

11 2. If plaintiff states that a settlement conference would be useful, within fourteen days of  
12 the date plaintiff serves his statement<sup>1</sup> on defendant Fannon, defendant Fannon shall file with the  
13 court, and serve on plaintiff, the following statement:

14 a. Whether defendant has access to Zoom video conferencing;

15 b. Whether defendant waives any claim of disqualification from having the  
16 undersigned magistrate judge conduct the settlement conference.

17 3. After receipt of the parties' statements, and if both parties agree to a settlement  
18 conference, the court will schedule one.

19 Dated: February 17, 2021

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21 DLB:9  
22 DB/prisoner-civil rights/will0486.sett conf confirm

  
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28 DEBORAH BARNES  
UNITED STATES MAGISTRATE JUDGE

<sup>1</sup> Plaintiff accomplishes service on defendant on the date he provides his statement to prison authorities for mailing to defendant Fannon.