

United States District Court
For the Northern District of California

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IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

JERRY M. FREDERICK,
Plaintiff,
v.
CALIFORNIA DEPARTMENT OF
CORRECTIONS AND
REHABILITATION,
Defendant.

No. C 08-2222 MMC (PR)
**ORDER OF DISMISSAL; VACATING
REFERRAL TO PRO SE PRISONER
MEDIATION PROGRAM;
DIRECTIONS TO CLERK**

On April 29, 2008, plaintiff, a California prisoner then incarcerated at the Correctional Training Facility at Soledad (“CTF”)¹ and proceeding pro se, filed the above-titled civil rights action, alleging he was denied the right to participate in the California Department of Corrections and Rehabilitation (“CDCR”) firecamp program because of medical disability, specifically diabetes, and that the CDCR failed to accommodate his disability. The Court found plaintiff had stated cognizable claims under Title II of the Americans with Disabilities Act of 1990, 42 U.S.C. § 12101 (“ADA”), and ordered the complaint served.

On March 30, 2012, the Court denied the parties’ cross-motions for summary judgment, and on April 25, 2012, the Court referred the matter to Magistrate Judge Nandor Vadas for settlement proceedings under the Northern District’s Pro Se Prisoner Mediation Program. A date has not yet been set for those proceedings.

¹ Plaintiff has been paroled and currently resides in Gardena, California.

1 The parties have now advised the Court that they have agreed to a settlement of this
2 cause, making the referral unnecessary, and that the agreed upon consideration will be
3 delivered and a stipulated request for dismissal with prejudice filed within one hundred and
4 eighty (180) days.

5 Accordingly, the Court orders as follows:

6 1. Plaintiff's claims against defendant CDCR are hereby DISMISSED without
7 prejudice; provided, however, that if any party hereto shall certify to this Court, within one
8 hundred and ninety (190) days, with proof of service of a copy thereon on the opposing party,
9 that the agreed upon consideration for the settlement has not been delivered, the foregoing
10 order shall stand vacated and the action shall forthwith be restored to the calendar for further
11 proceedings as appropriate.

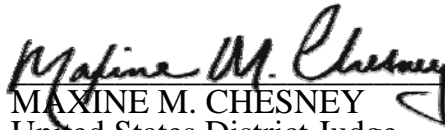
12 2. The referral to the Pro Se Prisoner Mediation Program is hereby VACATED.

13 3. The Clerk shall close the file.

14 4. The Clerk is further directed to serve Magistrate Judge Vadas with a copy of
15 this order.

16 IT IS SO ORDERED.

17 DATED: June 11, 2012


MAXINE M. CHESNEY
United States District Judge

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