

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

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

RUSSELL MARTIN,

No C-08-4067 VRW (PR)

Plaintiff,

v

ORDER REFERRING PLAINTIFF TO
FEDERAL PRO BONO PROJECT;
CONTINUING STAY OF PROCEEDINGS

M S EVANS, Warden, et al,

Defendant(s).

_____ /

Per order filed on March 2, 2010, the court denied defendants' motion for summary judgment on plaintiff's excessive force and retaliation claims against defendants Beatty and Boccella in this prisoner action for damages under 42 USC § 1983. The court found that, when viewed in the light most favorable to plaintiff, there are genuine issues for trial on plaintiff's claims and that qualified immunity is not in order as a matter of law. Doc #36. The court referred the matter to Magistrate Judge Vadas for mediation proceedings pursuant to the Pro Se Prisoner Mediation Program, Doc #37, held on July 7, 2010, but the matter did not settle. Doc #45.

