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IN THE UNITED STATES DISTRICT COURT

FOR THE NORTHERN DISTRICT OF CALIFORNIA

ROBERT S. MILTON,

No. C 09-5785 WHA (PR)

Plaintiff,

**ORDER DENYING PLAINTIFF'S
REQUEST TO NOT PARTICIPATE
IN SETTLEMENT CONFERENCE;
INSTRUCTIONS TO CLERK**

v.

F. JACQUEZ, Warden; M. CATE,
Secretary of the California Department
of Corrections and Rehabilitation;
C.M. PATTEN, Captain; J. AKIN,
Lieutenant; D. W. BRADBURY,
Associate Warden; CHAUCER,
Sergeant; J. FRISK, Sergeant; C.
PARRY, Lieutenant,

(Docket No. 45)

Defendants.

Plaintiff, a California prisoner at California State Prison, Sacramento, filed a pro se civil rights complaint under 42 U.S.C. 1983. On September 13, 2011, defendants' motion for summary judgment was denied and the case was referred Magistrate Judge Vadas to conduct mediation proceedings pursuant to the Pro Se Prisoner Mediation Program. Judge Vadas was ordered to complete the mediation proceedings within 120 days, and he set the settlement conference for October 25, 2011. Judge Vadas then vacated that conference date because prison officials would not transport plaintiff due to his placement in the Secured Housing Unit ("SHU"). The deadline for the settlement conference was extended to March 31, 2012, and on March 9, 2012, Judge Vadas reset the settlement conference for 9:00 a.m. on May 11, 2012 at California State Prison -- Sacramento. Good cause appearing, the deadline for holding the settlement conference is extended to and including May 11, 2012, and for as long thereafter as

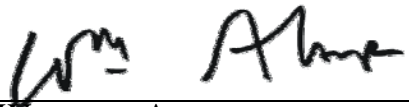
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Judge Vadas deems necessary to complete the proceedings. Within seven days after the conclusion of the mediation proceedings, Judge Vadas shall file a report of the proceedings.

Plaintiff has filed a request to not be required to participate in the mediation proceedings because he believes that no settlement conference will be held until he is released from the SHU and that his case is “in limbo.” This concern is unfounded because, as noted above, a settlement conference is currently scheduled to take place on May 11, 2012, at 9:00 a.m. at plaintiff’s prison. The clerk shall send plaintiff another copy of the order of March 9, 2012 (docket number 42). Plaintiff also states that he and defendant’s attorney, Jonathan Paul, have tried in vain to settle this case in the past. This may well change when the parties have the assistance of a trained and experienced mediator. Plaintiff’s motion to not be required to participate in the mediation proceedings (docket number 45) is **Denied**. Plaintiff and Mr. Paul, or whoever represents defendants, shall participate in the mediation proceedings in good faith.

IT IS SO ORDERED.

Dated: April 18, 2012



WILLIAM ALSUP
UNITED STATES DISTRICT JUDGE