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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

BRANLETT EUGENE KIMMONS,
Plaintiff,
v.
A. AVILAR,
Defendant.

Case No. [14-cv-00954-JD](#)

**ORDER STAYING CASE AND
REFERRAL TO MEDIATION**

Re: Dkt. No. 27

Plaintiff, a former prisoner, proceeds with a pro se civil rights complaint under 42 U.S.C. § 1983. Defendant indicates that both parties believe that participation in a mediation conference would be beneficial. Therefore, this case shall be referred to Magistrate Judge Vadas for settlement proceedings pursuant to the Pro Se Prisoner Mediation Program. The proceedings will take place within **one hundred and twenty days** of the date this order is filed. Magistrate Judge Vadas will coordinate a time and date for a settlement proceeding with all interested parties and/or their representatives and, within **five days** after the conclusion of the mediation proceedings, file with the Court a report of the proceedings.

Defendant has also requested an extension to file a motion for summary judgment. Because the case is stayed, defendant need not file a motion for summary judgment until receiving further instruction by the Court. If the case does not settle, the Court will reopen the case and set a new deadline for a dispositive motion. The Court also notes that mail sent to plaintiff has been returned as undeliverable. Defendant has provided an address where plaintiff may be receiving mail and this order will be sent to that address. However, plaintiff must provide an updated address to the Court and indicate his desire to continue with this action or this case could be

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dismissed.¹

CONCLUSION

1. Defendant’s motion (Docket No. 27) is **GRANTED**.

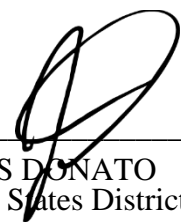
2. The case is referred to Magistrate Judge Vadas for settlement proceedings pursuant to the Pro Se Prisoner Mediation Program. The Clerk will send a copy of this order to Magistrate Judge Vadas in Eureka, California. In view of the referral, this case is **STAYED** pending the settlement proceedings.

3. The Clerk shall serve this Order on plaintiff’s address of record and at the following address: P.O. Box 160052, Sacramento, CA 95816.

4. Plaintiff must update the Court with his current address. Failure to provide an address may result in dismissal of this action.

IT IS SO ORDERED.

Dated: April 23, 2015



JAMES DONATO
United States District Judge

¹ The Court notes that plaintiff is no longer in custody, though it is not clear whether he is on parole and, if so, whether that affects his ability to travel. If plaintiff is on parole, he should check with his parole agent to learn whether he needs a court order to travel for any settlement conference and provide the information the Court.

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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

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v.

A. AVILAR,

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Case No. [14-cv-00954-JD](#)

CERTIFICATE OF SERVICE

I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S. District Court, Northern District of California.

That on 4/23/2015, I SERVED a true and correct copy(ies) of the attached, by placing said copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing said envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery receptacle located in the Clerk's office.

Branlett Eugene Kimmons ID: AR2030
2900 Bristol Street
Suite B-300
Costa Mesa, CA 92626

Dated: 4/23/2015

Richard W. Wieking
Clerk, United States District Court

By:  _____
LISA R. CLOD, Deputy Clerk to the
Honorable JAMES DONATO