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28UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
EUREKA DIVISION

MARTIN J. BIBBS,

Plaintiff,

MICHAEL C. SAYRE, et al,

Defendants.

No. 4:12-CV-05917 CW (NJV)

ORDER VACATING
SETTLEMENT CONFERENCE IN
PRO SE PRISONER EARLY
SETTLEMENT PROGRAM,
ORDER VACATING WRIT

On October 6, 2014, the court issued an order notifying the parties that a settlement conference was scheduled in this case for November 6, 2014, at Solano State Prison. (Doc. 63.) The order stated in part that, "[a]ny request to continue the settlement conference shall state the reason therefor and be submitted in writing as soon as possible well in advance of the scheduled conference date." *Id.* Also on October 6, 2014, the court issued a writ for the appearance of Plaintiff at the settlement conference. (Doc. 64.)

The court held a status conference in this matter on October 21, 2014. At that status conference, the parties confirmed that they were ready to proceed to the settlement conference. (Doc. 65.)

On October 27, 2014, Defense Counsel filed a motion asking to reschedule the settlement conference. (Doc. 66.) In his supporting declaration, Counsel states as follows:

5. Defendants' counsel has also conferred with his clients and CDCR legal staff regarding the possibility of settlement. To allow Defendants and CDCR to make the most accurate assessment of the value of Plaintiff's case, Defendants' counsel has been asked to consult with the CDCR Medical Receiver's staff. The court-appointed Medical Receiver oversees the provision of medical care at CDCR facilities.
6. The consultation with the CDCR Medical Receiver will require additional time before the settlement conference.

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7. Defendants' counsel believes that, after consultation with the Medical Receiver, Defendants and CDCR will have a more accurate assessment of the case's value and will be better-prepared to have productive settlement talks with Plaintiff.

(Doc. 66, 2:13-22.) Counsel asks that the settlement conference be rescheduled to December 2014. The court is unable to reschedule the settlement conference in December 2014, because the court has no settlement conference dates reserved at Solano State Prison during that time period.

Based on the foregoing, IT IS HEREBY ORDERED AS FOLLOWS:

- 1) The settlement set for November 6, 2014, is HEREBY VACATED;
- 2) The writ issued October 6, for the appearance of Plaintiff at the settlement conference is HEREBY VACATED;
- 3) The court will reschedule the settlement conference at the next available date at Solano State Prison.

IT IS SO ORDERED.

Dated: October 28, 2014



NANDOR J. VADAS
United States Magistrate Judge

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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
EUREKA DIVISION

MARTIN J. BIBBS,

No. 4:12-CV-05917 CW (NJV)

Plaintiff,

v.

CERTIFICATE OF SERVICE

MICHAEL C. SAYRE, et al.,

Defendants.

_____/

I, the undersigned, hereby certify that on October 28, 2014, I SERVED a true and correct copy of the attached, by placing said copy in a postage paid envelope addressed to the person(s) listed below, by depositing said envelope in the U.S. Mail.

Martin J. Bibbs
H-03951
Facility A, Bdlg. 8, Cell 130
Kern Valley State Prison
P.O. Box 5101
Delano, CA 93216

Litigation Coordinator
Kern Valley State Prison
P.O. Box 6000
Delano, CA 93216-6000
(by fax also)

United States District Court
For the Northern District of California

1 Litigation Coordinator
2 Solano State Prison
3 P.O. Box 4000
4 Vacaville, CA 95696-4000
5 (by fax also)

/s/ Linn Van Meter

Linn Van Meter
Administrative Law Clerk to
the Honorable Nandor J. Vadas

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