

UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

LANCE WILLIAMS,

Plaintiff,

v.

ROMERO, et al.,

Defendants.

No. 2:17-cv-1884 TLN DB P

ORDER

Plaintiff is a state prisoner proceeding pro se and in forma pauperis with an action under 42 U.S.C. § 1983. On February 6, 2019, this court issued an order referring this case to the Post-Screening ADR Project and staying the case for 120 days. (ECF No. 38.) On February 26, the court set a settlement conference for March 28, 2019, before Magistrate Judge Delaney. (ECF No. 41.)

The court's February 6 order advised defendants that they may "move" to opt out of the ADR project if after "investigating plaintiff's claims and speaking with plaintiff, and after conferring with defense counsel's supervisor, defense counsel in good faith finds that a settlement conference would be a waste of resources." (ECF No. 38 at 2.) On March 8, 2019, defendants filed a document entitled "Notice to Opt Out of Post-Screening ADR." (ECF No. 44.) Therein, defendants simply state that they are opting out.

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1 The court's February 6 order permitted defendants to "move" to opt out. It did not permit  
2 them to do so without court approval. Accordingly, the court will disregard defendants' March 8  
3 notice. If defendants wish to opt out of the ADR program, they must show that they have  
4 investigated plaintiff's claims, spoken with plaintiff, and conferred with defense counsel's  
5 supervisor. They must then explain why a settlement conference would be a "waste of  
6 resources."

7 IT IS SO ORDERED.

8 DATED: March 11, 2019

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12 /s/ DEBORAH BARNES  
13 UNITED STATES MAGISTRATE JUDGE  
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