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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

BOBBY LEE,

Plaintiff,

v.

DR. WAGNER,

Defendant.

CASE NO. 1:05-cv-00802-BAM PC

ORDER DENYING MOTION TO STAY

(ECF No. 69)

Plaintiff Bobby Lee (“Plaintiff”) is a state prisoner proceeding pro se and in forma pauperis in this civil rights action pursuant to 42 U.S.C. § 1983. This action is proceeding on Plaintiff’s second amended complaint, filed June 1, 2009, against Defendant Wagner for deliberate indifference to medical needs in violation of the Eighth Amendment. On January 24, 2012, Plaintiff filed a motion to stay this action and refer the parties for settlement negotiations.

The Federal Rules of Civil Procedure authorize settlement discussions at any pretrial conference. Fed.R.Civ.P. 16(c)(9). While federal courts have the authority to require the parties to engage in settlement conferences, they have no authority to coerce settlements. Goss Graphic Systems, Inc. v. DEV Industries, Inc., 267 F.3d 624, 627 (7th Cir. 2001.) Defendant has not indicated to the Court that he is willing to participate in a settlement conference. No settlement conference will be scheduled until such time as *both* parties agree to participate in one. Plaintiff is

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1 advised that this order does not preclude the parties from discussing settlement.

2 Accordingly, Plaintiff's motion to stay this action and refer for settlement is DENIED.

3 IT IS SO ORDERED.

4 Dated: January 26, 2012

/s/ Barbara A. McAuliffe
UNITED STATES MAGISTRATE JUDGE

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