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**UNITED STATES DISTRICT COURT**

EASTERN DISTRICT OF CALIFORNIA

DONALD J. ACKLEY,

CASE NO. 1:06-cv-00771-AWI-BAM PC

Plaintiff,

ORDER DENYING PLAINTIFF’S MOTION FOR  
SEPARATE TRIALS AND SETTLEMENT  
CONFERENCE

v.

D. CARROLL, et al.,

(ECF Nos. 69, 70)

Defendants.

Plaintiff Donald J. Ackley (“Plaintiff”) is a state prisoner proceeding pro se and in forma pauperis in this civil rights action pursuant to 42 U.S.C. § 1983. On September 28, 2011, orders issued denying Plaintiff’s motion for separate trial and informing the parties that no settlement conference would be scheduled because Defendants believe settlement is unlikely and are not interested in participating in settlement negotiations. (ECF Nos. 64, 66.) On September 21, 2011, Plaintiff filed a response to the settlement order requesting that a settlement conference be scheduled and a motion for separate trials. (ECF Nos. 69, 70.)

The request for a settlement conference and motion for separate trials are construed to be a motion for reconsideration, and as such they are without merit. Federal Rule of Civil Procedure 60(b) governs the reconsideration of final orders of the district court. The Rule permits a district court to relieve a party from a final order or judgment on grounds of: “(1) mistake, inadvertence, surprise, or excusable neglect; (3) fraud . . . of an adverse party, . . . or (6) any other reason justifying relief from the operation of the judgment.” Fed. R. Civ. P. 60(b). Plaintiff’s opposition is devoid of any ground entitling Plaintiff to reconsideration of the Court’s order.

