

UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

CARLOS QUIROZ,

Plaintiff,

v.

DOCTOR SHEN, et al.,

Defendants.

CASE NO. 1:06-CV-01426-AWI-DLB PC

ORDER DENYING PLAINTIFF’S MOTION FOR SETTLEMENT CONFERENCE

(DOC. 93)

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Plaintiff Carlos Quiroz (“Plaintiff”) was formerly in the custody of the California Department of Corrections and Rehabilitation (“CDCR”). This action is proceeding against Defendants Shen and Attygalla for deliberate indifference in violation of the Eighth Amendment. Pending before the Court is Plaintiff’s motion requesting a settlement conference, filed January 6, 2012. Defendants filed a response on January 12, 2012. The Court finds this matter suitable for resolution without hearing and oral argument.

Plaintiff requests a settlement conference pursuant to Local Rule 271. Defendants contend that they will not settle for any monetary amount, and that judicial settlement will be futile. Under Local Rul 271, parties may ask the Court to refer the action to the Voluntary Dispute Resolution Program. L.R. 271(b)(4). However, such referral requires that all parties voluntarily agree. *Id.* As is evident by Defendants’ response, Defendants do not agree to any form of monetary settlement. Thus, such referral is futile.

Accordingly, it is HEREBY ORDERED that Plaintiff’s motion for settlement conference pursuant to Local Rule 271, filed January 6, 2012, is denied.

IT IS SO ORDERED.

Dated: January 27, 2012

/s/ Dennis L. Beck
UNITED STATES MAGISTRATE JUDGE