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**UNITED STATES DISTRICT COURT**  
EASTERN DISTRICT OF CALIFORNIA

MICHAEL GONZALES,	CASE NO. 1:07-cv-01391-AWI-GBC PC
Plaintiff,	ORDER DENYING PLAINTIFF’S MOTION
v.	FOR SETTLEMENT CONFERENCE AS
PRICE, et al.,	PREMATURE
Defendants.	(Doc. 36)

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Plaintiff Michael Gonzales (“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 the complaint filed September 21, 2007, against Defendants Price, Frescura, Vikjord, Pinzon, and M. Castro for retaliation and refusal to mail his correspondence in violation of the Eighth Amendment. On January 7, 2011, an order was issued opening discovery. Plaintiff filed a motion for settlement conference on January 12, 2011.

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.) Defendants have not indicated to the Court that they are willing to participate in a settlement conference. No settlement conference will be scheduled until such time as *both* parties agree to participate in one. Discovery in this action opened on January 7, 2011, and is not set to close until September 7, 2011. At this

1 stage of the action, when discovery has just begun, a request for a settlement conference is  
2 premature. Plaintiff is advised that this order does not preclude the parties from discussing  
3 settlement.

4 Accordingly, it is HEREBY ORDERED that Plaintiff's motion for a settlement conference  
5 is DENIED, without prejudice, as premature.

6 IT IS SO ORDERED.

7 Dated: February 7, 2011

  
UNITED STATES MAGISTRATE JUDGE

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