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UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

JOHN RAY DYNES,

Plaintiff,

v.

JUAN MEDINA and
DAVID WILLIAMS,

Defendants.

CASE NO. 1:08-cv-00136-GSA PC

ORDER DENYING MOTIONS FOR
COPY OF C-FILE, SETTLEMENT, AND
RETURN OF FILING

(Docs. 73, 74, and 75)

This is a civil rights action filed pursuant to 42 U.S.C. § 1983 by Plaintiff John Ray Dynes, a prisoner proceeding pro se and in forma pauperis. This action is proceeding on Plaintiff’s amended complaint, filed April 24, 2008, against Defendants Juan Medina and David Williams for use of excessive physical force, in violation of the Eighth Amendment, and is set for jury trial on March 15, 2010.

On February 11, 2010, Plaintiff filed a motion seeking the production of his prison c-file and a motion seeking settlement, and on February 12, 2010, Plaintiff filed a motion seeking the return of court document number 59.

The discovery phase of this litigation is over, and it is too late for Plaintiff to be seeking the production of any documents, either from Defendants or via the issuance of a subpoena under Fed. R. Civ. P. 45.

Further, Defendants are aware of Plaintiff’s settlement offers via the filing of this motion and the filing of Plaintiff’s previous motion on December 21, 2009. If Defendants are interested in

1 settlement, they will contact Plaintiff. The Court will not order a settlement conference unless all
2 parties request one and the Court cannot order that the parties settle this matter.

3 Finally, court document 59 is part of the official record in this action and Plaintiff may not
4 seek return of the filing.

5 Therefore, Plaintiff's motions, filed on February 11, 2010, and February 12, 2010, are
6 HEREBY DENIED.

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9 IT IS SO ORDERED.

10 **Dated: February 16, 2010**

/s/ Gary S. Austin
UNITED STATES MAGISTRATE JUDGE