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8 UNITED STATES DISTRICT COURT  
9 EASTERN DISTRICT OF CALIFORNIA  
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11 SERGIO ALEJANDRO GAMEZ,

12 Plaintiff,

13 vs.

14 F. GONZALEZ, et al.,

15 Defendants.  
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1:08-cv-01113-EPG-PC

ORDER DENYING DEFENDANTS'  
REQUEST TO REINSTATE ORIGINAL  
DATE AND JUDGE FOR SETTLEMENT  
CONFERENCE

(ECF No. 227.)

18 On February 3, 2016, defense counsel filed a Waiver of Disqualification of Settlement  
19 Judge pursuant to Local Rule 270(b) after the Court's deadline, with a declaration explaining  
20 that it was simple oversight and asking that the original date and settlement conference judge  
21 be reinstated. (ECF No. 227.) The Court declines to do so and confirms by this order that the  
22 settlement conference will go forward before Judge Thurston on February 18, 2016 at 10:00  
23 a.m. in Courtroom 6. (ECF No. 222.)

24 Whether inadvertent or not, defendants did not submit their Waiver by either the first  
25 deadline ordered by the Court or the second deadline permitted by the Court after defendants  
26 failed to file their waiver on time. A settlement conference before Judge Thurston has now  
27 been set on February 18 and the judges have scheduled their matters accordingly. Additionally,  
28 the initial writ to transport Plaintiff for the settlement conference has been withdrawn and a

1 new one issued and confirmed with the prison. At this point, it is inefficient and inconvenient  
2 to change the date and presiding judge.

3 It goes without saying that Magistrate Judge Thurston is more than able to handle this  
4 settlement conference and the difference in judges presiding should not be prejudicial to either  
5 party.

6 Accordingly, IT IS HEREBY ORDERED that Defendants' request for the Court to  
7 reinstate the original date and judge for the settlement conference is DENIED.

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9 IT IS SO ORDERED.

10 Dated: February 4, 2016

11 /s/ Eric P. Grogan  
12 UNITED STATES MAGISTRATE JUDGE  
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