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

GEORGE H. ROBINSON,)	Case No.: 1:08-cv-01380-AWI-BAM PC
Plaintiff,)	
v.)	ORDER GRANTING DEFENDANTS' REQUEST TO RESPOND TO THE COURT'S ORDER BEYOND TIME (ECF No. 221)
D. G. ADAMS, et al.,)	
Defendants.)	ORDER DENYING PLAINTIFF'S EX PARTE REQUEST FOR A SETTLEMENT CONFERENCE (ECF No. 209)
)	
)	

Plaintiff George H. Robinson ("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 proceeds on Plaintiff's complaint against Defendants David, Miranda, Melo, Garcia, Mendoza and Masiel for use of excessive force in violation of the Eighth Amendment; against Defendants Adams and Ruiz for failure to protect in violation of the Eighth Amendment; and against Defendants Martinez, David, Miranda and Garcia for assault and battery in violation of state law. A jury trial is scheduled for March 10, 2015.

On April 28, 2014, Plaintiff filed an ex parte request that this matter be set for a settlement conference. (ECF No. 209.) On August 14, 2014, the Court ordered Defendants to file a written

1 response to Plaintiff's request within twenty-one (21) days. (ECF No. 216.) Defendants did not file a
2 timely response.

3 On September 26, 2014, Defendants filed a request to respond to the Court's order beyond the
4 original deadline. Defendants explain that defense counsel was called out of the office due to a family
5 emergency on August 19, 2014, and did not return to the office until September 2, 2014. Counsel
6 failed to calendar the response deadline and did not realize that Defendants had failed to file a timely
7 response until contacted on September 26, 2014. (ECF No. 221.) Concurrent with the request,
8 Defendants also filed their response to the Court's order of August 14, 2014. In the response,
9 Defendants indicate that they do not believe that settlement of this matter is possible or that the parties
10 would benefit from settlement negotiations. (ECF No. 222.)

11 Good cause appearing, Defendants' request to file a response beyond the Court-ordered
12 deadline is GRANTED. Based on Defendants' response, however, Plaintiff's ex parte request for a
13 settlement conference is DENIED.

14
15 IT IS SO ORDERED.

16 Dated: September 29, 2014

/s/ Barbara A. McAuliffe
17 UNITED STATES MAGISTRATE JUDGE