



1 accordingly, on September 27, 2016, the settlement conference was cancelled. (ECF  
2 No. 236.) The Court does not intend to set a further settlement conference in this case.  
3 (See id.)

4 Still pending before the Court are two identical motions by Plaintiff to  
5 appear by telephone or video conference at the above-referenced settlement  
6 conference. (ECF Nos. 223, 231.) Since the settlement conference has been cancelled,  
7 Plaintiff's motions to appear telephonically are moot and DENIED on that basis.  
8 Nevertheless, the Court believes it productive to address the substance of Plaintiff's  
9 motions.

10 Plaintiff argues that 42 U.S.C. 1997e(f)(1) obligates the Court to allow him to  
11 appear by telephone or video. That code section, which applies to inmates like Plaintiff  
12 who challenge the conditions of their confinement, provides that "[t]o the extent  
13 practicable" pretrial proceedings in which an inmate's participation is required or  
14 permitted shall be conducted by telephone, video conference, or other  
15 telecommunications technology without removing the inmate from the facility in which he  
16 is confined.

17 The Court typically allows inmates to appear telephonically for all pretrial  
18 proceedings. However, it finds that settlement conference are rarely, if ever, productive  
19 where the Court lacks live, personal, one-on-one contact with the participants.  
20 Moreover, the Court's video conferencing systems are designed to work with those in  
21 sister federal courts; the Court is informed that they are not to be connected to non-court  
22 systems. While the Court is aware of independent video service providers and systems,  
23 its ability to use them is restricted and, in any event, finds from experience that they can  
24 be less than reliable and generally inadequate for the conduct of a settlement  
25 conference. For all these reasons, the Court requires parties to personally appear at  
26 settlement conferences convened before it.

27 In passing, the Court notes that the proposed settlement conference in this case  
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1 was voluntary on the part of the parties. If Plaintiff elects not to comply with the Court's  
2 directions for submissions or objects to attending a settlement conference at the Court,  
3 he is free to undertake to conduct settlement discussion without the involvement of the  
4 Court.

5 THEREFORE, Plaintiff's motions to appear by telephone or video conference at  
6 the previously scheduled settlement conference are DENIED as moot.

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8 IT IS SO ORDERED.

9 Dated: September 29, 2016

*/s/ Michael J. Seng*  
10 UNITED STATES MAGISTRATE JUDGE  
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