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**UNITED STATES DISTRICT COURT**

EASTERN DISTRICT OF CALIFORNIA

ROBERT GONZALES SAENZ,

CASE NO. 1:09-cv-00557-BAM PC

Plaintiff,

ORDER ADDRESSING SETTLEMENT  
CONFERENCE

v.

(ECF Nos. 105, 106, 107, 108)

SGT. D. REEVES,

Defendant.

Plaintiff Robert Gonzales Saenz (“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 against Defendant Reeves for retaliation in violation of the First Amendment and deliberate indifference to conditions of confinement in violation of the Eighth Amendment. (ECF No. 103.) The matter is set for jury trial on June 3, 2013. (ECF No. 104.) On September 25, 2012, an order issued requiring the parties to notify the Court if a settlement conference would be beneficial. (ECF No. 105.) Plaintiff filed notices regarding settlement on October 4 and 17, 2012, and Defendant filed a response on October 15, 2012. (ECF Nos. 106, 107, 108.)

The Court has reviewed the responses of the parties and finds that a telephonic settlement conference is unlikely to result in settlement in this action, therefore the Court declines to schedule a settlement conference at this time. Plaintiff will need be transferred closer to the courthouse prior to trial. If the parties confer and believe that settlement is possible as the trial date nears, they may

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1 submit a joint request for a settlement conference. The Court would then schedule a settlement  
2 conference prior to trial at which the parties would be required to appear. In the meantime, the  
3 parties are encouraged to negotiate and make a good faith effort to settle the case without the  
4 involvement of the Court. Specific proposals and counter proposals should be made. The Court will  
5 not set a settlement conference unless the parties have exchanged good faith demands in an attempt  
6 to settle.

7 IT IS SO ORDERED.

8 **Dated: October 22, 2012**

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

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