

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

LAMONT SHEPARD,

Plaintiff,

v.

T. QUILLEN, et al.,

Defendants.

CASE NO. 1:09-cv-00809-LJO-BAM PC

ORDER DENYING PLAINTIFF’S MOTION FOR
A SETTLEMENT CONFERENCE

(ECF. No. 96, 97, 98)

Plaintiff Lamont Shepard (“Plaintiff”) is a state prisoner proceeding pro se and in forma pauperis in this civil rights action pursuant to 42 U.S.C. § 1983. At this juncture, this action is proceeding on Plaintiff’s first amended complaint, filed September 16, 2010, against Defendant T. Quillen for excessive force in violation of the Eighth Amendment and J. Wise for retaliation in violation of the First Amendment.

The matter is set for jury trial on March 19, 2013, before the Honorable Lawrence J. O’Neill. (ECF No. 87.) On September 25, 2012, an order issued requiring the parties to notify the Court if a settlement conference would be beneficial. (ECF No. 96.) Plaintiff filed a motion for a settlement conference on October 9, 2012. (ECF No. 97.) On October 15, 2012, Defendants filed a statement on Defendant Quillen’s position. (ECF No. 98.)

Defendant does not object to a settlement conference. Defendant asserts that the cost of transporting Plaintiff for the settlement conference would be cost prohibitive and requests that any settlement conference be conducted telephonically. The Court declines to set a telephonic settlement conference, and based upon the responses of the parties no settlement conference shall be set.

1 Accordingly, IT IS HEREBY ORDERED that Plaintiff's motion for a settlement conference,
2 filed October 9, 2012, is denied.

3 IT IS SO ORDERED.

4 **Dated: November 16, 2012**

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

5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28