2 3 4 5 6 7 UNITED STATES DISTRICT COURT 8 EASTERN DISTRICT OF CALIFORNIA 9 10 11 RAUL HERNANDEZ, Case No.: 1:09-cv-00828-AWI-SAB (PC) 12 Plaintiff, ORDER DIRECTING DEFENSE COUNSEL TO FILE A RESPONSE TO PLAINTIFF'S MOTION 13 v. FOR CIVIL CASE AND SETTLEMENT CONFERENCE WITHIN TEN DAYS 14 R.D. SMITH, et al., [ECF No. 45] 15 Defendants. 16 Plaintiff Raul Hernandez is appearing pro se and in forma pauperis in this civil rights action 17 pursuant to 42 U.S.C. § 1983. 18 On September 18, 2014, Plaintiff filed a motion for a civil case and settlement conference 19 20 pursuant to Local Rule 270. 21 The Federal Rules of Civil Procedure authorize settlement discussions at any pretrial conference. Fed. R. Civ. P. 16(c)(I). While federal courts have the authority to require the parties to 22 23 engage in settlement conferences, they have no authority to coerce settlements. Goss Graphic 24 Systems, Inc. v. DEV Industries, Inc., 267 F.3d 624, 627 (7th Cir. 2001). This action is proceeding on Plaintiff's third amended complaint against Defendants R.D. 25 26 Smith and Kirk for deliberate indifference to Plaintiff's dental needs in violation of the Eighth 27 Amendment. 28 ///

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Defendant Kirk filed an answer to the complaint on November 5, 2013, and Defendant Smith filed an answer to the complaint on April 11, 2014.

On November 17, 2013, the Court issued a discovery and scheduling order setting a dispositive motion deadline of September 18, 2014. The scheduling order was extended to Defendant on April 15, 2014.

On September 9, 2014, the Court granted Plaintiff's motion to extend the discovery and scheduling order as to Defendant Smith only, and set new discovery and dispositive motion deadlines. Discovery was extended to December 10, 2014, as to Defendant Smith only and the dispositive motion deadline was extended to December 18, 2014, as to both Defendants.

The Court finds a response by defense counsel will be helpful in resolving Plaintiff's instant motion for a settlement conference. Accordingly, within **ten** (10) days from the date of service of this order, defense counsel shall file a response to Plaintiff's motion indicating whether or not a settlement conference would be beneficial in this case.

IT IS SO ORDERED.

Dated: September 22, 2014

UNITED STATES MAGISTRATE JUDGE

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