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**UNITED STATES DISTRICT COURT**

EASTERN DISTRICT OF CALIFORNIA

ANTHONY JOHNSON,

Plaintiff,

v.

L. GONZALEZ, et al.,

Defendants.

CASE NO. 1:09-cv-1264-AWI-SMS PC

ORDER ADOPTING FINDINGS AND  
RECOMMENDATIONS RECOMMENDING  
PLAINTIFF’S REQUEST FOR PRELIMINARY  
INJUNCTIVE RELIEF BE DENIED

(ECF Nos. 32, 34)

ORDER ADOPTING FINDINGS AND  
RECOMMENDATIONS RECOMMENDING  
PLAINTIFF’S MOTION FOR COURT ORDER  
BE DENIED

(ECF Nos. 35, 47)

ORDER DENYING PLAINTIFF’S MOTION  
FOR SETTLEMENT CONFERENCE

/ (ECF Nos. 55, 58)

Plaintiff Anthony Johnson (“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 matter is proceeding on the complaint filed July 21, 2009, against Defendants Gonzalez and Murrieta for excessive force in violation of the Eighth Amendment. The matter was referred to a United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

On January 18, 2011, the Magistrate Judge filed findings and recommendations recommending that Plaintiff’s request for preliminary injunctive relief be denied. The parties were given thirty days to file objections and none have been filed. On February 24, 2011, the Magistrate Judge filed findings and recommendations recommending that Plaintiff’s motion for a court order

1 be denied. The parties were given thirty days to file objections and none were filed.

2 On March 29, 2011, Plaintiff filed a motion entitled motion to be placed in early settlement  
3 program, which the Court construes to be a motion to set a settlement conference. Defendants filed  
4 a motion for summary judgment on March 30, 2011. On March 31, 2011, Defendants filed an  
5 objection to the settlement conference being set.

6 The Federal Rules of Civil Procedure authorize settlement discussions at any pretrial  
7 conference. Fed.R.Civ.P. 16(c)(9). While federal courts have the authority to require the parties to  
8 engage in settlement conferences, they have no authority to coerce settlements. Goss Graphic  
9 Systems, Inc. v. DEV Industries, Inc., 267 F.3d 624, 627 (7th Cir. 2001.) Defendants have indicated  
10 to the Court that they are not willing to participate in a settlement conference. No settlement  
11 conference will be scheduled until such time as *both* parties agree to participate in one. Therefore  
12 Plaintiff's motion will be denied.

13 In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C), this Court has conducted a  
14 de novo review of this case. Having carefully reviewed the entire file, the Court finds the findings  
15 and recommendations to be supported by the record and by proper analysis.

16 Accordingly, IT IS HEREBY ORDERED that:

- 17 1. The findings and recommendations, filed January 18, 2011, is adopted in full;
- 18 2. Plaintiff's request for preliminary injunctive relief filed January 12, 2011, is  
19 DENIED;
- 20 3. The findings and recommendations, filed February 24, 2011, is adopted in full;
- 21 4. Plaintiff's motion for a court order filed January 26, 2011, is DENIED; and
- 22 5. Plaintiff's motion for settlement conference filed March 29, 2011, is DENIED.

23 IT IS SO ORDERED.

24 Dated: April 21, 2011

  
25 CHIEF UNITED STATES DISTRICT JUDGE