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UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

KEITH ZAVALA,

Plaintiff,

v.

CHRIS CHRONES, et al.,

Defendants.

CASE NO. 1:09-cv-01352-BAM PC

ORDER ADDRESSING SETTLEMENT
CONFERENCE

(ECF Nos. 101, 102, 104)

Plaintiff Keith Zavala 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 on Plaintiff’s second amended complaint, filed May 24, 2010, against Defendants Chris Chrones, S. Kays, D. Smith, S. Chandler, C. Martin, and Soto for deliberate indifference in violation of the Eighth Amendment. (ECF No. 19.) This action is currently set for jury trial on February 12, 2013. (ECF No. 100.)

On September 25, 2012, an order issued requiring the parties to indicate whether a settlement conference would be beneficial in this action. (ECF No. 101.) On October 15, 2012, Defendants filed a response stating that they do not believe that this case is ripe for mediation. (ECF No. 102.) Plaintiff filed a notice on the same date indicating that he is willing to engage in settlement negotiations. (ECF NO. 104.)

Upon review of the responses of the parties, the Court declines to schedule a settlement conference at this time. No settlement conference will be scheduled until such time as *both* parties agree that settlement in the action is possible. Should both parties be willing to participate in a

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1 settlement conference in a good faith effort to settle this action, they may file a joint request for a
2 settlement conference.

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4 IT IS SO ORDERED.

5 **Dated: November 26, 2012**

/s/ Barbara A. McAuliffe
UNITED STATES MAGISTRATE JUDGE

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