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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-DLB PC

ORDER DENYING PLAINTIFF’S MOTION
FOR SETTLEMENT CONFERENCE

(DOC. 45)

_____/

Plaintiff Keith Zavala (“Plaintiff”) is a prisoner in the custody of the California Department of Corrections and Rehabilitation (“CDCR”). Plaintiff is proceeding pro se and in forma pauperis in this civil rights action pursuant to 42 U.S.C. § 1983. This action is proceeding against Defendants S. Chandler, Chris Chrones, S. Kays, C. Martin, D. Smith, and Soto. Pending before the Court is Plaintiff’s motion for a mandatory settlement conference, filed January 18, 2011. Defendants Martin and Soto filed an opposition on January 21, 2011. Plaintiff filed a reply on February 7, 2011. The matter is submitted pursuant to Local Rule 230(l).

Plaintiff moves for the Court to require the parties to attend a settlement conference regarding this action. Defendants contend that settlement is premature, as discovery had yet to be completed, and Defendants contend that they are not liable.

As of the date of this order, Defendants Chandler, Chrones, Kays, and Smith have appeared, and discovery was recently opened for those Defendants in this action. It appears that

1 Defendants are unwilling at this time to pursue settlement in this action. The Court will not
2 order a settlement conference if both parties are not in agreement that settlement is a viable
3 option in the action. Accordingly, it is HEREBY ORDERED that Plaintiff's motion for a
4 settlement conference, filed January 18, 2011, is denied, without prejudice.

5 IT IS SO ORDERED.

6 **Dated: July 6, 2011**

/s/ Dennis L. Beck
UNITED STATES MAGISTRATE JUDGE

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