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UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

LAMONT SHEPARD,

Plaintiff,

v.

R. PEREZ, et al.,

Defendants.

CASE NO. 1:10-cv-00023-BAM PC

ORDER DIRECTING DEFENDANTS TO
RESPOND TO PLAINTIFF’S MOTIONS FOR
SETTLEMENT CONFERENCE

(ECF Nos. 69, 74)

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. This action is proceeding on Plaintiff’s complaint Defendants L.A. Martinez, R. Perez, P. Garcia, J. Soto, E. De la Cruz and A Trevino for excessive force in violation of the Eighth Amendment. This action is currently set for a telephonic trial confirmation hearing on March 15, 2013, and for a jury trial on May 6, 2013.

On November 29, 2012, Plaintiff filed a motion requesting a settlement conference. (ECF No. 69.) Defendants did not respond. On January 28, 2013, Plaintiff filed a second motion requesting a settlement conference. (ECF No. 74.)

Defendants shall respond to Plaintiff’s motions and notify the Court whether they believe, in good faith, that settlement in this case is a possibility and whether they are interested in having a settlement conference scheduled by the Court. A settlement conference will be set only if the parties are willing to make a meaningful attempt to resolve this action and are willing to compromise. Settlement conferences may be held in person or by video conference at the Court.

If Defendants wish to have a settlement conference scheduled, counsel shall notify the Court

1 whether there are security concerns that would prohibit such a conference. If security concerns exist,
2 counsel shall notify the Court whether those concerns can be addressed if Plaintiff is transferred for
3 settlement only and then returned to prison.

4 Accordingly, within **fourteen (14) days** from the date of service of this order, Defendants
5 shall file a written response to Plaintiff's motions for a settlement conference and this order. If a
6 settlement conference is set, the Court will issue a separate order indicating each of the parties'
7 responsibilities regarding the conference.

8 IT IS SO ORDERED.

9 **Dated: January 30, 2013**

/s/ Barbara A. McAuliffe
UNITED STATES MAGISTRATE JUDGE

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