

## UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

9 LAMONT SHEPARD,

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

10 Plaintiff,

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

11 v.

12 R. PEREZ, et al.,

(ECF Nos. 69, 74)

13 Defendants.

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15 Plaintiff Lamont Shepard ("Plaintiff") is a state prisoner proceeding pro se and in forma  
16 pauperis in this civil rights action pursuant to 42 U.S.C. § 1983. This action is proceeding on  
17 Plaintiff's complaint Defendants L.A. Martinez, R. Perez, P. Garcia, J. Soto, E. De la Cruz and A  
18 Trevino for excessive force in violation of the Eighth Amendment. This action is currently set for  
19 a telephonic trial confirmation hearing on March 15, 2013, and for a jury trial on May 6, 2013.

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

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

28 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**

10 UNITED STATES MAGISTRATE JUDGE

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