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UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

9   JOWELL FINLEY,   CASE NO. 1:10-cv-00778-LJO-BAM PC

10   Plaintiff,   ORDER DENYING PLAINTIFF'S MOTION FOR
                                                      A SETTLEMENT CONFERENCE
11   v.
                                                      (ECF No. 50)
12   A. D. OLIVE, et al.,

13   Defendants.
                                                  /
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15   Plaintiff Jowell Finely ("Plaintiff") is a state prisoner proceeding pro se in this civil rights

16   action pursuant to 42 U.S.C. § 1983. This action is proceeding on the complaint filed May 3, 2010,

17   against Defendants Olive and Pina for deliberate indifference in violation of the Eight Amendment.

18   Following the revocation of Plaintiff's in forma pauperis status and payment of the filing fee,

19   Defendants filed an answer on November 7, 2011. An order opening discovery issued on November

20   22, 2011. On December 8, 2011, Plaintiff filed a motion for a settlement conference.

21   The Federal Rules of Civil Procedure authorize settlement discussions at any pretrial

22   conference. Fed.R.Civ.P. 16(c)(9). While federal courts have the authority to require the parties to

23   engage in settlement conferences, they have no authority to coerce settlements. Goss Graphic

24   Systems, Inc. v. DEV Industries, Inc., 267 F.3d 624, 627 (7th Cir. 2001.) Defendants have not

25   indicated to the Court that they are willing to participate in a settlement conference. No settlement

26   conference will be scheduled until such time as *both* parties agree to participate in one. Discovery

27   in this action opened on November 22, 2011, and is not set to close until July 22, 2012. At this stage

28   of the action, when discovery has just begun, a request for a settlement conference is premature.

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1   Plaintiff is advised that this order does not preclude the parties from discussing settlement.

2   Accordingly, Plaintiff's motion for a settlement conference, filed December 8, 2011, is

3   HEREBY DENIED.

4   IT IS SO ORDERED.

5   Dated: **December 9, 2011**   **/s/ Barbara A. McAuliffe**
                                          UNITED STATES MAGISTRATE JUDGE

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