

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

**UNITED STATES DISTRICT COURT**  
EASTERN DISTRICT OF CALIFORNIA

MICHAEL MCNEIL,  
Plaintiff,  
v.  
LVN HAYES, et al.,  
Defendants.

Case No. 1:10-cv-01746-AWI-SKO (PC)  
ORDER DENYING MOTION TO MODIFY  
SETTLEMENT CONFERENCE ORDERS  
(Doc. 155)

---

Plaintiff Michael McNeil (“Plaintiff”), a state prisoner proceeding pro se and in forma pauperis, filed this civil rights action pursuant to 42 U.S.C. § 1983 on September 23, 2010. Pursuant to the orders filed on September 26, 2014, this case is set for a scheduling conference on November 13, 2014, before United States Magistrate Judge Craig M. Kellison at the federal courthouse in Sacramento, and the California Department of Corrections and Rehabilitation (“CDCR”) was directed to transport Plaintiff for the settlement conference. On October 6, 2014, Plaintiff filed a motion seeking to modify the orders to either (1) require CDCR to transport him to and from his current prison on the day of the settlement conference or (2) allow him to appear by telephone or videoconference.

The Court cannot intervene with respect to the terms of Plaintiff’s transport by CDCR. The Court recognizes Plaintiff’s concerns regarding the disruption to his housing and program assignments, but managing the transportation of inmates rests firmly within the discretion of prison officials.

1           Furthermore, it is standard practice for all parties in civil cases to appear in person for  
2 settlement conferences.<sup>1</sup> Appearance by any other means directly impacts both the court's ability  
3 to conduct a meaningful settlement conference and the parties' ability to engage in meaningful  
4 settlement negotiations.

5           Accordingly, Plaintiff's motion for modification of the settlement conference orders is  
6 **HEREBY DENIED.**

7  
8  
9 **IT IS SO ORDERED.**

10          Dated: **October 9, 2014**

**/s/ Sheila K. Oberto**  
**UNITED STATES MAGISTRATE JUDGE**

11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27 \_\_\_\_\_  
28 <sup>1</sup> Although the standard civil scheduling order was not issued in this case because Plaintiff is incarcerated and proceeding pro se, parties in non-pro se prisoner civil cases are subject to a standard scheduling order which sets forth the requirement that all parties appear personally for settlement conferences.