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

ANTHONY NGUYEN,  
Plaintiff,  
v.  
M. D. BITER,  
Defendant.

Case No. 1:11-cv-00809-AWI-SKO (PC)  
ORDER DENYING PLAINTIFF’S MOTION  
FOR A SETTLEMENT CONFERENCE  
(Doc. 98)

Plaintiff Anthony Nguyen, a state prisoner proceeding pro se and in forma pauperis, filed this civil rights action pursuant to 42 U.S.C. § 1983 on May 18, 2011. This action is proceeding against Defendant Biter for violation of the Eighth Amendment of the United States Constitution.

On January 31, 2014, Plaintiff filed a motion seeking a settlement conference in this matter. This case is exempted from the mandatory scheduling order requirement, which encompasses settlement conferences, and the Court will set a settlement conference only if both parties believe one would be beneficial. Local Rules 240(c)(8), 270. Given the absence of any indication that Defendant is agreeable to participating in a settlement conference, Plaintiff’s motion is **HEREBY DENIED.**  
**IT IS SO ORDERED.**

Dated: March 11, 2014

/s/ Sheila K. Oberto  
UNITED STATES MAGISTRATE JUDGE

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