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8 UNITED STATES DISTRICT COURT
9 EASTERN DISTRICT OF CALIFORNIA
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11 DANIEL MASTERSON,

12 Plaintiff,

13 vs.

14 SUZANNE KILLEN, et al.,

15 Defendants.
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1:11-cv-01179-LJO-GSA-PC

ORDER RE PLAINTIFF'S REQUEST
TO DEFENSE COUNSEL
(Doc. 43.)

18 Daniel Masterson ("Plaintiff") is a state prisoner proceeding pro se and in forma
19 pauperis in this civil rights action filed pursuant to 42 U.S.C. § 1983. Plaintiff filed the
20 Complaint commencing this action on July 18, 2011. (Doc. 1.) This case proceeds with
21 Plaintiff's Third Amended Complaint filed on November 22, 2013 against defendants Suzanne
22 Killen, Velva Rowell, Brad Hall, Michael Fisher, Lieutenant F. A. Rodriguez, Kelly Santoro,
23 and Captain Randy Tolson for retaliation, and against defendants Suzanne Killen, Velva
24 Rowell, Brad Hall, Lieutenant F. A. Rodriguez, Kelly Santoro, and Captain Randy Tolson for
25 conspiracy to retaliate against Plaintiff. (Doc. 28.)

26 This case is presently in the discovery phase, pursuant to the court's Discovery and
27 Scheduling Order issued on November 14, 2014. (Doc. 42.) On November 21, 2014, Plaintiff
28 filed a request to meet and confer by telephone with defense counsel, to discuss "resolution of

1 any and all issues, including but not limited to the possibility of settlement.” (Doc. 43 at 1:19-
2 20.)

3 Plaintiff’s request to meet and confer should not have been filed with the court.
4 Plaintiff is advised that discovery is meant to be conducted among the parties only, without
5 notice to the court, unless a discovery dispute arises. The court’s Discovery and Scheduling
6 Order instructs the parties not to file discovery requests and responses with the court unless
7 required by Local Rules 250.2, 250.3, and 250.4. (Doc. 42 ¶1.) Correspondence between the
8 parties during discovery should not be filed with the court unless it is at issue, such as when a
9 motion to compel is filed. Moreover, settlement negotiations are considered confidential and
10 ordinarily should not be filed with the court. Inasmuch as Plaintiff’s request is directed only to
11 defense counsel and not to the court, the court shall not consider the request or make any ruling
12 on it.

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14 IT IS SO ORDERED.

15 Dated: November 24, 2014

/s/ Gary S. Austin
16 UNITED STATES MAGISTRATE JUDGE
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