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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

BRENT ADLER,
Plaintiff,
v.
F. GONZALEZ, et al.,
Defendants.

CASE NO. 1:11-cv-1915-LJO-MJS (PC)
**ORDER DENYING PLAINTIFF'S MOTION
FOR SETTLEMENT CONFERENCE**
(ECF No. 58)

Plaintiff is a former state prisoner who initiated this civil rights action pro se and in forma pauperis on November 17, 2011. (ECF No. 1.) Plaintiff since has been released from prison and obtained counsel. (ECF Nos. 36 & 51.)

The action proceeds against Defendants Negrete, Zanchi, Carrasco, Holland, Holmstrom, Gonzalez, Steadman, Bryant, Schuyler, Lundy, Stainer, and Does Nos. 1, 2, 4, 5, and 6 on Plaintiff's First Amendment freedom of religion claim, and against the same Defendants, with the exception of Defendant Stainer, on Plaintiff's Religious Land Use and Institutionalized Persons Act ("RLUIPA") claim. (ECF Nos. 37 & 38).

Before the Court is Plaintiff's October 8, 2014 motion for a settlement conference. (ECF No. 58.) In a declaration attached to the motion, Plaintiff's counsel states that this case is nearly three years old, and that "public policy favors resolutions rather than

1 prolonged multi-year litigation that would be fruitless compared to a settlement
2 conference.” (Id.) Counsel also states that he asked opposing counsel to join in the
3 motion, and that opposing counsel declined.

4 This is Plaintiff’s second request for a settlement conference. (See ECF No. 48.)
5 His prior request was denied by the Court on September 30, 2014, eight days prior to
6 the instant request. (ECF No. 57 at 4 n.1.) The Court noted that Defendants were not, at
7 that time, willing to pursue a settlement conference in this matter. (Id.) Plaintiff’s
8 statement that defense counsel was unwilling to join in the instant motion indicates that
9 the defense posture did not change in the intervening eight days. Indeed, Defendants
10 have since filed an opposition to the motion. (ECF No. 60.) As previously stated, the
11 Court will not refer a case to formal settlement talks unless all parties agree such
12 negotiations might be productive. Local Rule 271(b)(4).

13 Accordingly, Plaintiff’s motion for settlement conference (ECF No. 58) is HEREBY
14 DENIED without prejudice.

15
16 IT IS SO ORDERED.

17 Dated: October 30, 2014

/s/ Michael J. Seng
UNITED STATES MAGISTRATE JUDGE