1 2 3 4 5 6 7 UNITED STATES DISTRICT COURT 8 9 EASTERN DISTRICT OF CALIFORNIA 10 11 MICHAEL J. PAYAN, Case No. 1:13-cv-00807 LJO DLB PC 12 Plaintiff, ORDER REQUIRING DEFENDANTS TO RESPOND TO PLAINTIFF'S REQUEST FOR SETTLEMENT 13 v. **CONFERENCE** 14 TATE, et al., 15 Defendants. 16 Plaintiff Michael J. Payan ("Plaintiff") is a state prisoner proceeding pro se and in forma 17 pauperis in this civil rights action pursuant to 42 U.S.C. § 1983. This action is proceeding on 18 Plaintiff's October 19, 2015, First Amended Complaint. 19 20 The Court's January 26, 2016, Findings and Recommendations granting in part Defendants' motion for summary judgment based on exhaustion is pending. 21 On February 17, 2016, Plaintiff filed a motion for a settlement conference. This action was 22 previously set for a settlement conference in January 2015, after the parties agreed that a settlement 23 conference would be beneficial. However, after submitting their confidential settlement conference 24 statement, Defendants' counsel indicated that she did not have authority to settle the action, and the 25 conference was vacated. 26 /// 27 /// 28

Given Plaintiff's current request and the possibility that the posture of this action has altered Defendants' position, the Court ORDERS Defendants to inform the Court whether a settlement conference will be beneficial. Defendants SHALL file a response to Plaintiff's motion within fourteen (14) days of the date of service of this order. IT IS SO ORDERED. /s/ Dennis L. Beck Dated: **February 24, 2016** UNITED STATES MAGISTRATE JUDGE