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 DENYING PLAINTIFF'S MOTION FOR SETTLEMENT CONFERENCE WITHOUT PREJUDICE 13 v. 14 TATE, et al., (Document 95) 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 are pending. 21 On February 17, 2016, Plaintiff filed a motion for a settlement conference. The Court 22 ordered Defendants to respond to the request, and on March 3, 2016, they filed their report. 23 Defendants believe that settlement discussions are premature, given the pending Findings and 24 25 Recommendations, the stay of discovery and the new claims that Plaintiff has asserted. In light of these issues, Defendants have not had an opportunity to evaluate settlement. 26 /// 27 /// 28

The Court cannot force the parties to participate in a settlement conference. As Defendants do not believe that a settlement conference is feasible at this stage of the proceedings, Plaintiff's motion is DENIED WITHOUT PREJUDICE. The parties are reminded that they may contact the Court at any time if they mutually agree that a settlement conference would be beneficial. IT IS SO ORDERED. /s/ Dennis L. Beck Dated: March 5, 2016 UNITED STATES MAGISTRATE JUDGE