

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

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

ANTHONY E. FELDER,  
Plaintiff,  
v.  
HENSON, et al.,  
Defendants.

**Case No. 1:13-cv-01622-AWI-JLT (PC)**  
**ORDER DENYING PLAINTIFF’S REQUEST  
TO SCHEDULE A SETTLEMENT  
CONFERENCE WITHOUT PREJUDICE**  
**(Doc. 60)**

Plaintiff’s Second Amended Complaint has been served on Defendants who filed their answer, denying liability. On December 12, 2016, the Discovery and Scheduling Order issued, providing a deadline for the filing of dispositive motions on or before July 13, 2017. (Doc. 58.) On January 3, 2017, Plaintiff filed a motion requesting that a settlement conference be set as he believes the evidence is “overwhelmingly in Plaintiff’s favor” and that a settlement conference would save “time and resources.” (Doc. 60.)

However, the Court will not expend its limited resources on a settlement conference this early in an action unless both sides believe one would be beneficial. Seemingly, the defendants do not concur in the plaintiff’s opinion that there are no defenses to the action. Moreover, it would seem to be beneficial to the plaintiff to conduct some discovery to determine whether the defenses have merit before deciding that his case cannot be lost. In any event, the plaintiff may serve Defendants with an offer of settlement at any time. Further, if both sides desire scheduling

1 of a settlement conference, they may jointly request one. However, the Court will not schedule a  
2 settlement conference at this early stage absent such indication from all parties.

3 Accordingly, the Court **ORDERS** that Plaintiff's request for a settlement conference is  
4 **DENIED** without prejudice.

5  
6 IT IS SO ORDERED.

7 Dated: January 10, 2017

/s/ Jennifer L. Thurston  
UNITED STATES MAGISTRATE JUDGE

8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28