1		
2		
3		
4		
5		
6		
7		
8	UNITED STATES DISTRICT COURT	
9	EASTERN DISTRICT OF CALIFORNIA	
10		
11	OMAR GARCIA, JR.,	Case No. 1:14-cv-00476-BAM (PC)
12	Plaintiff,	ORDER DENYING MOTION FOR
13	v.	SETTLEMENT CONFERENCE
14	TULARE COUNTY MAIN JAIL, et al.,	(ECF No. 25)
15	Defendants.	
16		
17	Plaintiff Omar Garcia, Jr. ("Plaintiff") is a state prisoner proceeding pro se and in forma	
18	pauperis in this civil rights action under 42 U.S.C. § 1983. This action proceeds against	
19	Defendants O'Rafferty, Kaious and Doe 1 for excessive force in violation of the Fourteenth	
20	Amendment; against Defendants Onstott and Doe 1 for failure to intervene in violation of the	
21	Fourteenth Amendment; and against Defendants O'Rafferty, Kaious, Flores, Avina, Meyers and	
22	Ellis for deliberate indifference to serious medical needs in violation of the Fourteenth	
23	Amendment (collectively, "Defendants"). Plaintiff filed a first amended complaint on February	
24	16, 2016, which has not been screened. (ECF No. 24.)	
25	On September 20, 2016, Plaintiff file	d a motion for "ruling on Motion to Compel and
26	Motion for Settlement Conference." (ECF No. 25.) On March 17, 2017, the Court issued an	
27	order partially granting and partially denying	Plaintiff's motion to compel. (ECF No. 29.)
28	Plaintiff also requested that the Court schedu	le a mandatory settlement conference. (ECF No. 25,
		1

1	p. 2.) On March 21, 2017, the Court issued an order directing Defendants to file a written	
2	response to Plaintiff's request for a settlement conference. (ECF No. 30.) On April 4, 2017,	
3	Defendants filed a response indicating to the Court that they do not have an interest in a	
4	settlement conference or feel that settlement is a possibility. (ECF No. 31, p. 2.)	
5	The Federal Rules of Civil Procedure authorize settlement discussions at any pretrial	
6	conference. Fed. R. Civ. P. 16(c)(2)(I). While federal courts have the authority to require the	
7	parties to engage in settlement conferences, they have no authority to coerce settlements. Goss	
8	Graphic Systems, Inc. v. DEV Industries, Inc., 267 F.3d 624, 627 (7th Cir. 2001); Ackley v.	
9	<u>Carroll</u> , No. 1:06-cv-00771-AWI-SMS PC, 2011 WL 2909891, at *1 (E.D. Cal. July 13, 2011).	
10	Defendants have indicated to the Court that they are not interested in participating in a settlement	
11	conference. No settlement conference will be scheduled until such time as both parties agree to	
12	participate.	
13	Accordingly, Plaintiff's motion for a settlement conference (ECF No. 25) is DENIED.	
14		
15	IT IS SO ORDERED.	
16	Dated: April 6, 2017 /s/ Barbara A. McAuliffe	
17	UNITED STATES MAGISTRATE JUDGE	
18		
19		
20		
21		
22		
23		
24		
25		
26		
27		
28	2	