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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

DAVID ROMERO,
Plaintiff,
v.
JAMES YATES, et al.,
Defendants.

Case No. 1:14-cv-01062-SKO
ORDER VACATING SETTLEMENT
CONFERENCE AND REQUIRING
PLAINTIFF TO SHOW CAUSE WHY
SANCTIONS SHOULD NOT ISSUE FOR
THE FAILURE TO COMPLY WITH THE
SCHEDULING ORDER
TEN DAY DEADLINE

A settlement conference in this action is set for November 15, 2016, at 10:15 a.m. before the undersigned. (ECF No. 39.) Pursuant to the order setting the settlement conference, the parties were required to submit a confidential settlement statement to the Court one week prior to the conference date. (Id. at 6-7.) The Court has timely received the confidential statement from Defendants, however no statement has been received from Plaintiff. This Court spends considerable time preparing for settlement conference so as to make it meaningful to the parties and results in a greater likelihood of settlement success. Settlement is extremely important in this district where the judges have one of the highest caseloads per judge in the United States. The settlement conference statement assists the Court in adequately preparing for these matters. They are not pro forma.

Since Plaintiff has failed to comply with the order requiring the confidential settlement

1 statement to be submitted to the Court, the November 15, 2016 settlement conference shall be
2 vacated. Should the parties desire another settlement conference date, they shall confer and
3 contact the courtroom deputy with available dates. However, no settlement conference shall be
4 set until Plaintiff submits a meaningful confidential settlement statement to the Court.

5 Local Rule 110 provides that “[f]ailure of counsel or of a party to comply with these
6 Rules or with any order of the Court may be grounds for imposition by the Court of any and all
7 sanctions . . . within the inherent power of the Court.” The Court has the inherent power to
8 control its docket and may, in the exercise of that power, impose sanctions where appropriate,
9 including dismissal of the action. Bautista v. Los Angeles County, 216 F.3d 837, 841 (9th Cir.
10 2000).

11 Plaintiff is required to show cause why sanctions should not issue for the failure to
12 submit his confidential statement in compliance with the October 16, 2015 scheduling order.

13 Accordingly, IT IS HEREBY ORDERED that:

- 14 1. The settlement conference set for November 15, 2016, is VACATED;
- 15 2. The Court will re-set the settlement conference only upon the filing of a
16 meaningful settlement conference statement by Plaintiff and at a time convenient
17 to all parties and the Court; and
- 18 3. Within ten days from the date of service of this order, Plaintiff shall show cause in
19 writing why sanctions should not issue for the failure to comply with the October
20 16, 2015 scheduling order.

21 IT IS SO ORDERED.

22 Dated: November 9, 2016

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25 UNITED STATES MAGISTRATE JUDGE
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