

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

MICHAEL BIRD,

CASE NO. 1:15-cv-00910-DAD-MJS (PC)

Plaintiff,

V.

A. ZUNIGA, et al.,

**ORDER GRANTING REQUEST TO  
VACATE SETTLEMENT CONFERENCE**

## Defendants.

**ORDER VACATING SETTLEMENT  
CONFERENCE AND ORDER AND WRIT  
OF HABEAS CORPUS AD  
TESTIFICANDUM**

(ECF NO. 48)

**DISPOSITIONAL DOCUMENTS DUE BY  
MARCH 29, 2017**

Plaintiff is a state prisoner proceeding pro se and in forma pauperis in this civil rights action brought pursuant to 42 U.S.C. § 1983. On January 19, 2017, the Court set this matter for a settlement conference on March 30, 2017 (ECF No. 44), and subsequently issued an order and writ of habeas corpus ad testificandum to transport Plaintiff to the settlement conference (ECF No. 48).

Before the Court is Defendant's notice of conditional settlement and request to vacate settlement conference. (ECF No. 49.) Therein, defense counsel states that the parties have reached an agreement to settle the action, pending approval by the Warden. Counsel anticipates that dispositional documents will be filed before March 29,

2017. Accordingly, he requests that the settlement conference be vacated.

Based on the parties' conditional settlement, it is HEREBY ORDERED that:

1. Defendant's request to vacate the settlement conference (ECF No. 49) is GRANTED;
  2. The March 30, 2017 settlement conference and related order and writ of habeas corpus ad testificandum (ECF No. 48) are VACATED;
  3. The parties shall file dispositional documents on or before March 29, 2017;
  4. Absent the timely filing of dispositional documents, the Court shall set a further schedule for litigation of this action.

IT IS SO ORDERED.

Dated: March 17, 2017

/s/ *Michael J. Seng*  
UNITED STATES MAGISTRATE JUDGE