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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

JARED M. VILLERY,

Plaintiff,

v.

JEFFREY BEARD, et al.,

Defendants.

Case No. 1:15-cv-00987-DAD-BAM (PC)

ORDER VACATING SETTLEMENT
CONFERENCE SET FOR OCTOBER 18, 2018

ORDER GRANTING PLAINTIFF'S MOTION
TO VACATE CONFERENCE

(Doc. No. 106)

Plaintiff Jared M. Villery is a state prisoner proceeding *pro se* and *in forma pauperis* in this civil rights action pursuant to 42 U.S.C. § 1983. This matter is set for a settlement conference before the Honorable Erica P. Grosjean on October 18, 2018.

On September 17, 2018, Plaintiff filed a motion to vacate the settlement conference, as futile. (Doc. No. 106.) On September 19, 2018, the Court ordered an expedited response to that motion, given the fast-approaching settlement conference date. (Doc. No. 107.) On September 21, 2018, defense counsel filed a declaration explaining that the settlement discussions would not likely be meaningful based on recent negotiations and discussions between the parties.

Therefore, the Court finds that the interest of justice would be served by vacating the October 18, 2018 settlement conference. A conference may be rescheduled later, if appropriate. In the meantime, the Court will address the pending motions in this matter in due course, and will adjust the discovery and scheduling order as necessary, by separate order.

The Court further notes that this conference was set as part of a joint conference with the parties in *Villery v. Jones, et al.*, Case No. 1:15-cv-01360-DAD-JDP. The Court vacates the portion

1 of the conference dedicated to this matter only, and this order has no effect on the settlement
2 conference in that case.

3 Accordingly, it is HEREBY ORDERED that:

4 1. Plaintiff's motion to vacate settlement conference, filed on September 17, 2018
5 (Doc. No. 106), is granted; and

6 2. The Settlement Conference set for October 18, 2018 before the Honorable Erica P.
7 Grosjean, is vacated for this case only.

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9 IT IS SO ORDERED.

10 Dated: September 24, 2018

/s/ Barbara A. McAuliffe
UNITED STATES MAGISTRATE JUDGE

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