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

DALLAS JOSHUA JAMES MYERS,	)	Case No.: 1:16-CV-00638-AWI.SAB (PC)
	)	
Plaintiff,	)	
	)	ORDER DENYING PLAINTIFF’S MOTION TO
v.	)	RESCIND ORDER & WRIT OF HABEAS
	)	CORPUS AD TESTIFICANDUM, OR IN THE
L. PULIDO,	)	ALTERNATIVE TO ALLOW SETTLEMENT
	)	CONFERENCE BY TELEPHONE
Defendant.	)	
	)	[ECF No. 43]
	)	
	)	

Plaintiff Dallas J. Myers is a state prisoner proceeding pro se and in forma pauperis pursuant to 42 U.S.C. § 1983.

This case is currently set for settlement conference on June 9, 2017, before the undersigned at California State Prison, Corcoran (“CSP-Corcoran”).

On May 30, 2017, Plaintiff filed a motion for an order rescinding the order and writ requiring Plaintiff to be transported to CSP-Corcoran for the settlement conference. He asks, in the alternative, to be allowed to appear at the settlement conference by telephone. In support, Plaintiff declares that it would be unsafe for him to be housed near where Defendant Pulido works or resides because Defendant Pulido previously assaulted him or had him assaulted and is capable of arranging a further assault on Plaintiff. Defendant Pulido currently works at the California Substance Abuse Facility-Corcoran. (“SAT-F”). Plaintiff

1 believes he must remain hundreds of yards away from Defendant Pulido. CSP-Corcoran is a  
2 separate facility from SAT-F.

3 Generally, the Court allows inmates to appear telephonically for all pretrial  
4 proceedings. However, the Court finds that settlement conference are not productive without  
5 face to face contact between the judge and the participants individually. Therefore, the Court  
6 requires parties to personally appear for settlement conferences. Moreover, the Court's past  
7 experience has demonstrated that the California Department of Corrections telephone and/or  
8 video conferencing system can be unreliable and insufficient for the purposes of conducting  
9 a settlement conference. Thus, the Court finds that it is not practicable to allow an inmate to  
10 appear by telephone at a settlement conference.

11 Plaintiff's obligation to litigate the action will necessitate his presence at proceedings  
12 at which Defendant Pulido also will be present and likely will require his temporary housing in  
13 this district at CSP-Corcoran. Attendance at the settlement conference will require him to be  
14 housed at CSP-Corcoran for only a short period of time.

15 Accordingly, Plaintiff's request for an order rescinding the order and writ of habeas  
16 corpus ad testificandum, or to allow Plaintiff to attend the settlement conference by  
17 telephone, filed May 30, 2017 (ECF No. 43), is DENIED.

18  
19 IT IS SO ORDERED.

20 Dated: June 1, 2017

21 /s/ Michael J. Seng  
22 UNITED STATES MAGISTRATE JUDGE  
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