

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

MICHAEL GONZALES,

Case No. 1:16-cv-01813-DAD-EPG (PC)

Plaintiff.

## ORDER GRANTING MOTION FOR EXTENSION OF TIME

V.

(ECF No. 46)

FERRSO et al,

## ORDER DENYING MOTIONS FOR SETTLEMENT CONFERENCE

## Defendants

(ECF Nos. 41, 47)

Michael Gonzales (“Plaintiff”) is a state prisoner proceeding *pro se* and *in forma pauperis* in this civil rights action pursuant to 42 U.S.C. § 1983. This action is proceeding on Plaintiff’s Fourteenth Amendment due process claim against defendants Garcia, Brosman, B. Zavala, Herrick, Tacara, Franklin, Rodriguez, Escalante, and Davis. (ECF No. 42.)

On February 14, 2018, the Court issued an Order setting a mandatory scheduling conference for May 14, 2018 at 01:30 PM in Courtroom 10 (EPG) before the undersigned judge and requiring initial disclosures within 30 days of the Order. (ECF No. 44.) The initial disclosures include two types of information that the disclosing party may use to support its claims or defenses: 1) individuals likely to have discoverable information; and 2) documents that the disclosing party has in its possession, custody, or control. (ECF No. 44 at 2.)

1       On March 7, 2018, Plaintiff filed a motion for an extension of time of 30 days to make  
2 disclosures. (ECF No. 46.) For the reasons stated in the motion, the Court GRANTS the motion.  
3 The Court also notes that Plaintiff stated that he was in the process of obtaining information.  
4 The parties are only required to disclose documents that are presently in their possession,  
5 custody, or control. (ECF No. 44 at 2.) To the extent that the parties come into possession of  
6 documents in the future, they are required to make supplemental disclosures. *See* Fed. R. Civ. P.  
7 26(e) (requiring a party who has made a disclosure under Rule 26(a) to supplement or correct its  
8 disclosure or response in a timely manner if the party learns that in some material respect the  
9 disclosure or response is incomplete or incorrect, and if the additional or corrective information  
10 has not otherwise been made known to the other parties during the discovery process or in  
11 writing).

12       Plaintiff has also filed two motions requesting an Order directing defense counsel to  
13 participate in an early settlement conference by phone. (ECF Nos. 41, 47.) The Court  
14 understands that Plaintiff is eager to enter into settlement negotiations. However, the Court  
15 cannot force defense counsel to engage in those discussions. Settlement is a topic that will be  
16 discussed at the mandatory scheduling conference in this case. Therefore, the Court must deny  
17 Plaintiff's motions at this time.

18       Accordingly, the Court ORDERS as follows:

19       1. Plaintiff's motion for an extension of time (ECF No. 46) is GRANTED.  
20       2. Plaintiff's motions for a settlement conference (ECF Nos. 41, 47) are DENIED.

21       IT IS SO ORDERED.

22       Dated: March 8, 2018

23       \_\_\_\_\_  
24       /s/ *Eric P. Groj*  
25       UNITED STATES MAGISTRATE JUDGE

26  
27  
28