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8 UNITED STATES DISTRICT COURT  
9 EASTERN DISTRICT OF CALIFORNIA  
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11 LAMAR SINGLETON, SR.,

12 Plaintiff,

13 vs.

14 DR. FORTUNE, et al.,

15 Defendants.  
16

1:17-cv-00124-DAD-GSA-PC

ORDER DENYING PLAINTIFF'S  
REQUESTS FOR THE COURT TO  
SCHEDULE A SETTLEMENT  
CONFERENCE AT THIS TIME  
(ECF Nos. 56, 62, 65.)

17 Lamar Singleton, Sr., ("Plaintiff") is a state prisoner proceeding *pro se* and *in forma*  
18 *pauperis* in this civil rights action filed pursuant to 42 U.S.C. § 1983. This case now proceeds  
19 with the First Amended Complaint filed on February 19, 2016, against defendant Fortune  
20 ("Defendant") on Plaintiff's medical claim pursuant to the Eighth Amendment. (ECF No. 25.)

21 On January 22, 2018, February 1, 2018, and March 23, 2018, Plaintiff filed requests for  
22 the court to schedule a settlement conference in this case. (ECF Nos. 56, 62, 65.)

23 The court finds no good cause to schedule a settlement conference at this time. On  
24 January 29, 2018, the court issued an order requiring Plaintiff and Defendant to notify the court  
25 whether they believed a settlement conference would be beneficial. (ECF No. 60.) On January  
26 31, 2018, Defendant responded to the court's order stating that he "does not believe in good  
27 faith that a settlement in this case is a possibility at this time because he filed a summary-  
28 judgment motion on January 23, 2018, setting forth extensive evidence that entitles him to

1 judgment as a matter of law.” (ECF No. 61 at 1:21-24.) On February 23, 2018, Plaintiff  
2 responded to the court’s order, stating his belief that a settlement conference would be  
3 beneficial. (ECF No. 63.) Unless all of the parties to this action believe a settlement  
4 conference would be beneficial and are willing to attempt settlement in good faith, the court  
5 shall not schedule a settlement conference. Therefore, the court shall not schedule a settlement  
6 conference at this time, and Plaintiff’s request shall be denied. The parties are not precluded  
7 from discussing settlement at any time between them.

8 In light of the foregoing, **IT IS HEREBY ORDERED** that Plaintiff’s requests for the  
9 court to schedule a settlement conference at this time, filed on January 22, 2018, February 1,  
10 2018, and March 23, 2018, are **DENIED**.

11 IT IS SO ORDERED.

12  
13 Dated: May 25, 2018

/s/ Gary S. Austin  
UNITED STATES MAGISTRATE JUDGE