

1
2
3
4
5
6
7
8 UNITED STATES DISTRICT COURT
9 EASTERN DISTRICT OF CALIFORNIA
10

11 WILLIAM J. GRADFORD,

12 Plaintiff,

13 v.

14 MCDOUGALL, et al.,

15 Defendants.
16
17

1:17-cv-00201-DAD-GSA-PC

**ORDER DENYING PLAINTIFF'S
MOTION TO SUBMIT SETTLEMENT
DOCUMENTS TO COURT
(ECF No. 53.)**

18 William J. Gradford ("Plaintiff") is a prisoner proceeding *pro se* and *in forma pauperis*
19 with this civil rights action pursuant to 42 U.S.C. § 1983. This action now proceeds with
20 Plaintiff's initial complaint, filed on February 13, 2017, against defendants Tiexiera and
21 McCarthy ("Defendants") for retaliation in violation of the First Amendment. (ECF No. 1.)

22 On September 26, 2018, Plaintiff filed a request to submit settlement documents to the
23 court and to Defendants. (ECF No. 53.) Because of Plaintiff's apparent willingness to settle
24 this case, the court issued an order on October 15, 2018, requiring the parties to notify the court
25 whether a settlement conference would be beneficial. (ECF No. 54.) On October 17, 2018,
26 Defendants responded to the court's order stating that they do not believe a settlement
27 conference would be beneficial and would prefer that a settlement conference not be scheduled.
28 (ECF No. 55.)

1 The court will not schedule a settlement conference unless all parties are willing to
2 attend and participate in the settlement conference in good faith. Given that Defendants do not
3 believe that a settlement conference would be beneficial at this juncture, the court shall not
4 schedule a settlement conference at this time. Therefore, Plaintiff's request to submit
5 settlement documents to the court shall be denied. However, Plaintiff is not precluded from
6 working directly with Defendants to negotiate settlement of this case.

7 Accordingly, based on the foregoing, IT IS HEREBY ORDERED that:

- 8 1. Plaintiff's request to submit settlement documents to the court, filed on
9 September 26, 2018, is DENIED, without prejudice to renewal of the request at
10 a later stage of the proceedings; and
- 11 2. The parties are not precluded from working directly together, without the court's
12 assistance, to negotiate settlement of this case.

13
14 IT IS SO ORDERED.

15 Dated: October 18, 2018

/s/ Gary S. Austin
16 UNITED STATES MAGISTRATE JUDGE
17
18
19
20
21
22
23
24
25
26
27
28