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UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

JAMES BOWELL,

Plaintiff,

vs.

F. MONTOYA, et al.,

Defendants.

1:17-cv-00605-NONE-GSA-PC

**ORDER DENYING PLAINTIFF’S  
MOTION FOR COURT SETTLEMENT  
CONFERENCE  
(ECF No. 65.)**

James Bowell (“Plaintiff”) is a state prisoner proceeding *pro se* and *in forma pauperis* with this civil rights action pursuant to 42 U.S.C. § 1983. This case now proceeds with Plaintiff’s First Amended Complaint, filed on May 3, 2018, against defendants Montoya and Carter for violation of due process under the Fourteenth Amendment, and against defendants Killmer and Lopez for conspiracy to place Plaintiff at risk of serious harm and failure to protect Plaintiff under the Eighth Amendment. (ECF No. 16.)<sup>1</sup> This case is now in the discovery phase.

On June 17, 2020, Plaintiff filed a motion for the court to schedule a settlement conference. (ECF No. 65.) On July 10, 2020, the court issued an order requiring the parties to respond and notify the court whether they believed, in good faith, that a settlement conference

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<sup>1</sup> On October 25, 2018, the court issued an order dismissing all other claims and defendants from this case, for Plaintiff’s failure to state a claim. (ECF No. 20.)

1 would be beneficial in this case. (ECF No. 75.) On August 10, 2020, Defendants notified the  
2 court that they do not believe a settlement conference would be beneficial in this case at this time.  
3 (ECF No. 78.)

4 The court will not at this point schedule a settlement conference unless all of the parties  
5 have indicated their willingness to participate, in good faith, in a settlement conference. Because  
6 Defendants have responded that they do not believe that a settlement conference would be a  
7 productive use of time the court shall not schedule a settlement conference for this case.  
8 However, the parties are not precluded from initiating and participating in settlement negotiations  
9 themselves without the court's assistance.

10 Accordingly, Plaintiff's motion for a settlement conference to be scheduled by the court,  
11 filed on June 17, 2020, is DENIED.

12 IT IS SO ORDERED.

13  
14 Dated: August 12, 2020

/s/ Gary S. Austin  
UNITED STATES MAGISTRATE JUDGE