

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

DARREN VINCENT FORD,

Plaintiff,

v.

KING, et al.,

Defendants.

Case No. 1:17-cv-00822-DAD-BAM (PC)

ORDER DENYING PLAINTIFF’S MOTION
TO SCHEDULE JURY TRIAL AND
MANDATORY SETTLEMENT
CONFERENCE

(ECF No. 42)

Plaintiff Darren Vincent Ford (“Plaintiff”) is a state prisoner proceeding *pro se* and *in forma pauperis* in this civil rights action pursuant to 42 U.S.C. § 1983. Plaintiff filed a first amended complaint on October 26, 2018. (ECF No. 34.) The first amended complaint has not yet been screened.

Currently before the Court is Plaintiff’s motion to set this case for a jury trial, as well as schedule a mandatory telephonic settlement conference between the Court, Plaintiff, and Defendant, filed January 10, 2019. (ECF No. 42.)

Plaintiff’s requests to set this matter for trial and to set this matter for a settlement conference, are premature. As the Court has repeatedly informed Plaintiff in other orders, the Court is required to screen complaints brought by prisoners seeking relief against a governmental entity or officer or employee of a governmental entity. 28 U.S.C. § 1915A(a). Plaintiff’s first amended complaint, or any portion thereof, is subject to dismissal if it is frivolous or malicious, if it fails to state a claim upon which relief may be granted, or if it seeks monetary relief from a defendant who is immune from such relief. 28 U.S.C. § 1915A(b)(1), (2); 28 U.S.C.

1 § 1915(e)(2)(B)(ii). As the Court has not yet screened Plaintiff's first amended complaint to
2 determine whether it may proceed on any cognizable claims, and no defendant has yet been
3 served, this action is not ready to set for trial or a settlement conference. Plaintiff's first amended
4 complaint will be screened in due course.

5 Accordingly, Plaintiff's motion to set a trial date and to schedule a settlement conference,
6 (ECF No. 42), is DENIED.

7

8 IT IS SO ORDERED.

9 Dated: January 14, 2019

/s/ Barbara A. McAuliffe
UNITED STATES MAGISTRATE JUDGE

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

26

27

28