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IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

DAVONNI LEE JACKSON, SR.,

Plaintiff,

No. 2:08-cv-2121 MCE KJN P

vs.

E.J. NORBERG,

Defendant.

ORDER

_____/

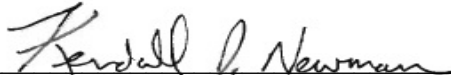
Plaintiff is a state prisoner proceeding without counsel. On April 28, 2010, plaintiff filed a motion asking the court to grant him judgment based on defendant’s alleged failure to file a pretrial statement. However, on April 23, 2010, defendant filed a pretrial statement. Accordingly, plaintiff’s request will be denied.

On March 3, 2010, plaintiff filed a motion for assistance in settlement negotiations. Plaintiff alleges there is “no defense that the defendant can provide to exonerate himself.” (Id. at 1.) However, in defendant’s pretrial statement (“PTS”), defendant set forth eight disputed facts. (Def’t.’s PTS at 2-3.) Defendant also stated that he “does not anticipate a settlement in this case.” (Id. at 9.) Because there are material disputes of fact between plaintiff and defendant, it appears a settlement conference would not be fruitful. This case will proceed to jury trial before the district judge on August 30, 2010. Plaintiff’s motion will be denied.

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Accordingly, IT IS HEREBY ORDERED that plaintiff's April 28, 2010 and
March 3, 2010 motions are denied.

DATED: May 21, 2010


KENDALL J. NEWMAN
UNITED STATES MAGISTRATE JUDGE

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