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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

ROBERT TUNSTALL,
Plaintiff,
v.
MIKE KNOWLES, et al.,
Defendants.

No. 2:08-cv-3176-WBS-KJN (PC)

ORDER

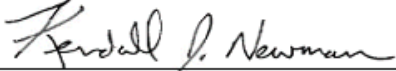
Plaintiff is a state prisoner, proceeding pro se and in forma pauperis, with a civil rights action pursuant to 42 U.S.C. § 1983. Pending before the court is defendants’ December 18, 2013 Motion for Status Conference. (ECF No. 189.) Therein, defendants request that the court disregard plaintiff’s “Notice of Motion and Motion for Jury Trial” because it was personally filed by plaintiff without the representation of his counsel. (ECF No. 189 at 1.) In the alternative, defendants request that the court “schedule a status conference to apprise plaintiff of defendants’ progress thus far in accommodating his settlement offer, discuss the benefit of further settlement discussions, resolve any issues plaintiff is facing with his attorney, and improve overall communication among the parties.” Id. at 1-2.

With regard to defendants’ first request, plaintiff has not filed with the court any motion demanding a jury trial. Accordingly, defendants’ request is unnecessary. Defendants’ alternative request for a status conference is also unnecessary and, therefore, will be denied. A further

1 settlement conference has been scheduled in this case before the Honorable Dale A. Drozd on
2 February 20, 2014, where plaintiff will be present,¹ giving defendants the opportunity to discuss
3 with plaintiff the matters defendants address in their motion. The motion is denied without
4 prejudice to any later requests for a status conference after the February 20, 2014 settlement
5 conference if it is shown that defendants were unable to apprise plaintiff of the matters addressed
6 in their motion during that settlement conference.

7 In accordance with the above, IT IS HEREBY ORDERED that defendants' December 18,
8 2013 Motion for Status Conference (ECF No. 189) is denied.

9 Dated: January 16, 2014

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12 KENDALL J. NEWMAN
13 UNITED STATES MAGISTRATE JUDGE
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27 ¹ On January 9, 2014, Judge Drozd ordered that a Writ of Habeas Corpus ad Testificandum issue,
28 commanding the Warden of California Medical Facility to produce plaintiff so that plaintiff may
appear in person at the settlement conference scheduled for February 20, 2014. (ECF No. 190.)
The writ was issued on January 13, 2014. (ECF No. 191.)