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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

SANTANA PORTER,
Plaintiff,
v.
ALVARO C. TRAQUINA,
Defendant.

No. 2:12-cv-2266 TLN DB P

ORDER

Plaintiff is a state prisoner proceeding pro se and in forma pauperis with a civil rights action under 42 U.S.C. § 1983. Plaintiff alleges defendant Dr. Traquina was deliberately indifferent to plaintiff's serious medical needs with respect to surgery Dr. Traquina performed on plaintiff's foot. Before the court are plaintiff's motion for a settlement conference and defendant's motion for summary judgment.

In June 2016, Magistrate Judge Kendall J. Newman conducted a settlement conference in this matter. At that time, the case was not settled. (See ECF No. 42.) On July 8, 2016, defendant moved for a modification of the scheduling order to permit him to file a motion for summary judgment. (ECF No. 43.) On November 1, 2016, that motion was granted. (ECF No. 45.) However, on November 23, 2016, plaintiff filed a motion for a second settlement conference. (ECF No. 46.) Defendant has not responded to plaintiff's motion. On December 16, 2016,

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1 defendant filed a motion for summary judgment. (ECF No. 47.) Plaintiff has not responded to
2 that motion.

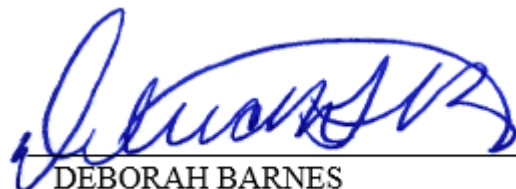
3 Because settlement of this case was unsuccessful previously, and because counsel for
4 defendant feels the case may be resolved through summary judgment, the court will deny
5 plaintiff's motion for a settlement conference at this time. If defendant's motion for summary
6 judgment is denied, the court will at that time consider whether a second settlement conference is
7 appropriate.

8 In his motion for a settlement conference, plaintiff requests a copy of his complaint. The
9 Clerk's Office will provide copies of documents and of the docket sheet at \$0.50 per page.
10 Checks in the exact amount are made payable to "Clerk, USDC." Copies of documents in cases
11 may also be obtained by printing from the public terminals at the Clerk's Office or by contacting
12 Cal Legal Support Group at: 3104 "O" Street, Suite 291, Sacramento, CA 95816, phone 916-441-
13 4396, fax 916-400-4948.

14 Accordingly, IT IS HEREBY ORDERED as follows:

- 15 1. Plaintiff's motion for a settlement conference (ECF No. 46) is denied without
16 prejudice; and
- 17 2. Within thirty days of the date of this order, plaintiff shall file an opposition to
18 defendant's motion for summary judgment. Plaintiff is advised that his opposition
19 must adhere to the requirements described in the court's March 11, 2014 order and in
20 the Notice attached to defendant's motion for summary judgment.

21 Dated: March 1, 2017

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25 DEBORAH BARNES
26 UNITED STATES MAGISTRATE JUDGE

27 DLB:9
28 DLB1/prisoner-civil rights/port2266.msjs oppo

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