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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

Byron Aberle,

 Plaintiff,

 v.

Allied Collection Services,
Inc.; and DOES 1-10,
inclusive,

 Defendants.

No. 2:13-cv-01682-GEB-AC

**ORDER RE: SETTLEMENT AND
DISPOSITION**

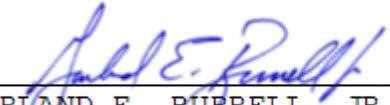
Plaintiff filed a "Notice of Settlement" on September 27, 2013, in which he states: "the parties in the above-captioned case have reached a settlement[, and t]he Plaintiff anticipates filing a notice of withdrawal of Complaint and voluntary dismissal of this action with prejudice pursuant to Fed. R. Civ. P. 41(a) within 60 days." (Notice of Settlement 2:2-6, ECF No. 7.)

Therefore, a dispositional document shall be filed no later than November 26, 2013. Failure to respond by this deadline may be construed as consent to dismissal of this action without prejudice, and a dismissal order could be filed. See E.D. Cal. R. 160(b) ("A failure to file dispositional papers on the date prescribed by the Court may be grounds for sanctions.").

1 Further, the Status Conference scheduled for hearing on
2 December 9, 2013, will remain on calendar in the event no
3 dispositional document is filed, or if this action is not
4 otherwise dismissed.¹

5 IT IS SO ORDERED.

6 Dated: September 27, 2013

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9 GARLAND E. BURRELL, JR.
10 Senior United States District Judge
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26 _____
27 ¹ The status conference will remain on calendar, because the mere
28 representation that a case has been settled does not justify vacating a
scheduling proceeding. Cf. Callie v. Near, 829 F.2d 888, 890 (9th Cir. 1987)
(indicating that a representation that claims have been settled does not
necessarily establish the existence of a binding settlement agreement).