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8   UNITED STATES DISTRICT COURT

9   FOR THE EASTERN DISTRICT OF CALIFORNIA

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11   SCOTT JOHNSON,   No. 2:14-cv-0449-TLN-KJN

12   Plaintiff,

13   v.   ORDER

14   BASIL T. KEHOE III, et al.,

15   Defendants.

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18   On December 30, 2014, the court issued an order continuing the hearing on plaintiff's

19   motion to compel (ECF No. 10) to January 29, 2015. (ECF No. 12.) The order required the

20   parties to conduct a good-faith meet-and-confer session—either in person, or at a minimum, by

21   telephone. (Id.) For the reasons discussed in that order, the court further directed the parties to

22   file: (a) a joint statement regarding their discovery disagreement; OR (b) a notice of withdrawal

23   of the motion upon informal resolution of the discovery issues; OR (c) a stipulation to conduct a

24   settlement conference no later than January 22, 2015. (Id.)

25   Although the January 22, 2015 deadline has now passed, no joint statement regarding the

26   discovery disagreement, notice of withdrawal of the motion, or stipulation to conduct a settlement
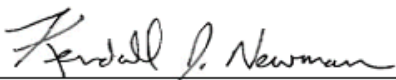
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conference was filed.[1] Nor did plaintiff, as the moving party, file any statement as to why these above documents could not have been timely filed.

　　　　Accordingly, IT IS HEREBY ORDERED that:

　　　　1. Plaintiff's motion to compel (ECF No. 10) is denied without prejudice for failure to file a joint statement regarding the discovery disagreement in accordance with the court's order.

　　　　2. The January 29, 2015 hearing is vacated.

　　　　IT IS SO ORDERED.

Dated: January 23, 2015

_____
KENDALL J. NEWMAN
UNITED STATES MAGISTRATE JUDGE

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[1] The record indicates that the assigned district judge issued a minute order scheduling a settlement conference before Magistrate Judge Brennan. (ECF No. 13.) Because the parties did not file a stipulation to a settlement conference on the record, it is unclear whether the district judge set a settlement conference based on the parties' request or on his own motion.