

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

MICHAEL XAVIER BELL,
Plaintiff,
v.
MICHAEL MARTEL, et al.,
Defendants.

No. 2:17-cv-00063-MCE-CKD

ORDER

Plaintiff is a state inmate proceeding pro se and in forma pauperis in this federal civil rights lawsuit filed pursuant to 42 U.S.C. § 1983. On August 28, 2019 the undersigned issued Findings and Recommendations that this action be dismissed without prejudice based on plaintiff's failure to comply with a court order requiring his appearance at a settlement conference. ECF No. 77. Plaintiff filed two separate responses to the Findings and Recommendations which the court construes as objections thereto. ECF Nos. 78, 80. So construed, the court will vacate the Findings and Recommendations and permit this case to proceed.


Also pending before the court is plaintiff's motion to conduct a settlement conference via correspondence. ECF No. 81. In light of plaintiff's custody status at the L.A. Men's Central Jail which has failed to comply with writs issued by this court for plaintiff's participation in a settlement conference, the court will grant plaintiff's motion and allow the parties an additional

1 period of time to engage in settlement discussions. Should the parties not settle this matter by
2 January 6, 2020 the court will issue a discovery and scheduling order governing further
3 proceedings in this case.

4 Accordingly, IT IS HEREBY ORDERED that:

- 5 1. The Findings and Recommendations issued on August 28, 2019 (ECF No. 77) are
6 hereby vacated.
- 7 2. Plaintiff's motion to conduct a settlement conference via correspondence (ECF No.
8 81) is granted. The parties may engage in settlement negotiations for a period of 60
9 additional days from the date of this order.
- 10 3. The court will issue a discovery and scheduling order governing further proceedings in
11 this matter should this case not settle by January 6, 2020.

12 Dated: October 24, 2019



CAROLYN K. DELANEY
UNITED STATES MAGISTRATE JUDGE

13
14
15
16
17
18
19
20 12/bell0063.vacateF&R.docx
21
22
23
24
25
26
27
28