

**UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF  
CALIFORNIA**

**Hernandez v. Gonzales**

No. 1:20-cv-01019-SAB (PC) (E.D. Cal. June 23, 2025) · No. 1:20-cv-01019-SAB (PC) · Decided June 23,  
2025

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**OPINION**

(PC) Hernandez v. Ogboehi

PER CURIAM.

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9 UNITED STATES DISTRICT COURT

10 EASTERN DISTRICT OF CALIFORNIA

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12 ARMANDO HERNANDEZ, No. 1:20-cv-01019-SAB (PC)

13 Plaintiff, ORDER SETTING SETTLEMENT

CONFERENCE

14 v. Date/Time: July 28, 2025, at 9:00 a.m.

15 GONZALES,

Location: California State Prison, Sacramento 16 Defendant. 17 18 Plaintiff is a state prisoner proceeding pro se with a civil rights action pursuant to 42 19 U.S.C. §1983. The court has determined that this case will benefit from a settlement conference. 20 Therefore, this case will be referred to a Magistrate Judge to conduct a settlement conference at 21 the California State Prison, Sacramento (SAC), 100 Prison Road, Represa, CA 95671 on July 28, 22 2025 at 9:00 a.m. The Court will issue any necessary transportation order in due course. 23 In accordance with the above, IT IS HEREBY ORDERED that: 24 1. This case is set for a settlement conference before a federal Magistrate Judge on July 25 28, 2025 at 9:00 a.m. at SAC. 26 2. Parties are instructed to have a principal with full settlement authority present at the 27 Settlement Conference or to be fully authorized to settle the matter on any terms. The 28 individual with full authority to settle must also have “unfettered discretion and 2 authority” to change the settlement position of the party, if appropriate. The purpose 3 behind requiring the attendance of a person with full settlement authority is that the 4 parties’ view of the case may be altered during the face to face conference. An 5 authorization to settle for a limited dollar amount or sum certain can be found not to 6 comply with the requirement of full authority to settle.1 7 3. Parties are directed to submit confidential settlement statements no later than July 14, 8 2025 to [spark@caed.uscourts.gov](mailto:spark@caed.uscourts.gov). Plaintiff shall mail his confidential settlement 9 statement to U.S. District Court, 501 I Street, Suite 4-200, Sacramento, California 10 95814 “Attn: Institution Settlement Judge for July 28, 2025” so it arrives no later 11 than July 14, 2025. The envelope shall be marked

“CONFIDENTIAL 12 SETTLEMENT STATEMENT.” Parties are also directed to file a “Notice of 13 Submission of Confidential Settlement Statement” (See L.R. 270(d)). 14 Settlement statements should not be filed with the Clerk of the Court nor served on 15 any other party. Settlement statements shall be clearly marked “confidential” with 16 the date and time of the settlement conference indicated prominently thereon. 17 The confidential settlement statement shall be no longer than five pages in length, 18 typed or neatly printed, and include the following: 19 a. A brief statement of the facts of the case. 20 b. A brief statement of the claims and defenses, i.e., statutory or other grounds upon 21 22 1 While the exercise of its authority is subject to abuse of discretion review, “the district court has the authority to order parties, including the federal government, to participate in mandatory settlement 23 conferences... .” United States v. United States District Court for the Northern Mariana Islands, 694 F.3d 1051, 1053, 1057, 1059 (9th Cir. 2012)(“the district court has broad authority to compel participation in mandatory 24 settlement conference[s].”). The term “full authority to settle” means that the individuals attending the mediation conference must be authorized to fully explore settlement options and to agree at that time to any 25 settlement terms acceptable to the parties. G. Heileman Brewing Co., Inc. v. Joseph Oat Corp., 871 F.2d 648, 653 (7th Cir. 1989), cited with approval in Official Airline Guides, Inc. v. Goss, 6 F.3d 1385, 1396 (9th Cir. 1993). 26 The individual with full authority to settle must also have “unfettered discretion and authority” to change the settlement position of the party, if appropriate. Pitman v. Brinker Int’l., Inc., 216 F.R.D. 481, 485-86 (D. Ariz. 27 2003), amended on recon. in part, Pitman v. Brinker Int’l., Inc., 2003 WL 23353478 (D. Ariz. 2003). The purpose behind requiring the attendance of a person with full settlement authority is that the parties’ view of 28 the case may be altered during the face to face conference. Pitman, 216 F.R.D. at 486. An authorization to settle for a limited dollar amount or sum certain can be found not to comply with the requirement of full authority to settle. Nick v. Morgan’s Foods, Inc., 270 F.3d 590, 596-97 (8th Cir. 2001). 1 2 which the claims are founded; a forthright evaluation of the parties’ likelihood of 3 prevailing on the claims and defenses; and a description of the major issues in 4 dispute. 5 c. A summary of the proceedings to date. 6 d. An estimate of the cost and time to be expended for further discovery, pretrial, and 7 trial. 8 e. The relief sought. 9 f. The party’s position on settlement, including present demands and offers and a 10 history of past settlement discussions, offers, and demands. 11 g. A brief statement of each party’s expectations and goals for the settlement 12 conference, including how much a party is willing to accept and/or willing to pay. 13 h. If the parties intend to discuss the joint settlement of any other actions or claims 14 not in this suit, give a brief description of each action or claim as set forth above, 15 including case number(s) if applicable. 16 4. The Clerk of the Court is directed to serve a courtesy copy of this order on the 17 Litigation Office at SAC via fax at (916) 294-3072 or via email. 18 19

20 IT IS SO ORDERED. DAM Le

21 | Dated: \_June 23, 2025 \_ of ES

STANLEY A. BOONE

22 United States Magistrate Judge 23 24 25 26 27 28

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