

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA

Arbi Kamali v. Rose Stevens, Ivan Villegas, Jordan Bryan, and Alen
Hernandez

Kamali v. Stevens · No. 1:19-cv-01432-JLT-HBK (PC) · Decided January 7, 2026

SUMMARY

The United States District Court for the Eastern District of California denies Arbi Kamali’s ex parte motion challenging a prior order and renewing a request for a mandatory settlement conference. The court grants his motion for copies to the extent of directing the Clerk to provide courtesy copies of specified scheduling orders, while explaining that additional copies require payment of the applicable fee.

CASE DETAILS

COURT	United States District Court for the Eastern District of California
WRITING FOR THE COURT	Helena M. Barch-Kuchta
JURISDICTION	United States District Court for the Eastern District of California
DECIDED	January 7, 2026
DOCKET	1:19-cv-01432-JLT-HBK (PC)
DISPOSITION	other
PROCEDURAL POSTURE	Plaintiff sought reconsideration of a magistrate judge's prior order denying a settlement conference and separately requested copies of scheduling orders. The court denied the ex parte consolidated motion and granted the copy request in part.
STANDARD OF REVIEW	A party seeking district-judge reconsideration of a magistrate judge's nondispositive ruling must comply with Federal Rule of Civil Procedure 72(a) and Eastern District of California Local Rule 303(c), including the applicable fourteen-day objection period.
PRECEDENTIAL VALUE	nonprecedential
PARTIES	Arbi Kamali v. Rose Stevens, Ivan Villegas, Jordan Bryan, Alen Hernandez

TOPICS

motion for reconsideration

mediation

civil procedure

prisoners rights

costs

PRACTICE AREAS

civil procedure

prisoner civil rights

QUESTIONS PRESENTED

1. Whether Plaintiff was entitled to reconsideration of the magistrate judge's prior denial of a settlement conference.
2. Whether Federal Rule of Civil Procedure 23(a)(1) requires a settlement conference in this non-class action.
3. Whether the court could continue to consider Defendants' pending motion for summary judgment.
4. Whether Plaintiff was entitled to copies of scheduling orders without paying the applicable copying fee.

HOLDINGS

1. A request for district-judge reconsideration of the magistrate judge's ruling had to be filed in the form required by Eastern District of California Local Rule 303(c), and objections to a nondispositive order generally had to be filed within fourteen days under Federal Rule of Civil Procedure 72(a).
2. A settlement conference was not mandatory in this case, and Federal Rule of Civil Procedure 23(a)(1) did not require one because Rule 23 governs class actions and the case was not a class action.
3. Summary judgment had not previously been decided, and the court could properly rule on Defendants' pending motion for summary judgment.
4. Proceeding in forma pauperis or proceeding pro se or as a prisoner does not entitle a party to complimentary copies of court documents; copies are provided upon payment of the statutory fee, subject to the court's one-time courtesy exception.

KEY QUOTATIONS

“a settlement conferences is voluntary and can only be fruitful when both sides are open to settlement discussions.” (at 2)

“Federal Rule of Civil Procedure 16(c)(1), which authorizes settlement conferences, is not intended “to impose settlement negotiations on unwilling litigants.”” (at 2)

“proceeding in forma pauperis does not entitle a party to the waiver of anything other than court filing fees.” (at 2)

FACTUAL BACKGROUND

Plaintiff filed an ex parte motion objecting to a prior order that denied a settlement conference after Defendants opted out pending resolution of their motion for summary judgment. Plaintiff also filed a motion seeking a copy of the case scheduling order. The court determined that the earlier dispositive motion concerned judgment on the

pleadings under Heck v. Humphrey, not summary judgment, and that the scheduling order authorized consideration of Defendants' pending summary-judgment motion.

PROCEDURAL HISTORY

The magistrate judge previously denied Plaintiff's request for a settlement conference because Defendants had opted out while their dispositive motion was pending. Plaintiff then filed an ex parte consolidated motion objecting to that order and asserting that summary judgment had already been decided. The court explained that the prior motion was for judgment on the pleadings concerning Heck v. Humphrey, that summary judgment remained pending, and that any request for district-judge reconsideration had to comply with Local Rule 303(c) and Federal Rule of Civil Procedure 72. The court also granted Plaintiff a one-time courtesy copy of specified scheduling orders while requiring payment for future copies.

DISPOSITION

other

CASES CITED

- Heck v. Humphrey, 512 U.S. 477 (1994)
- Martin v. McNut, 2011 WL 4543039, at *1 (E.D. Cal. Sept. 28, 2011)
- Blair v. CDCR, 2018 WL 1959532, at *6 n.2 (E.D. Cal. Apr. 25, 2018)

OPINION

Stevens

PER CURIAM.

1 2 3 4 5 6 7

8 UNITED STATES DISTRICT COURT

9 FOR THE EASTERN DISTRICT OF CALIFORNIA

10 11 ARBI KAMALI, Case No. 1:19-cv-01432-JLT-HBK (PC) 12 Plaintiff, ORDER DENYING
13 PLAINTIFF’S EX-

14 PARTE CONSOLIDATED MOTION

15 13 v. (Doc. No. 72)

16 14 ROSE STEVENS, IVAN VILLEGAS,

17 JORDAN BRYAN, and ALEN ORDER GRANTING PLAINTIFF’S MOTION

18 15 HERNANDEZ, FOR COPY AND DIRECTING CLERK TO

19 PROVIDE COURTESY COPIES

20 16 Defendants. (Doc. No. 73) 17 18 19 On October 10, 2025, Plaintiff filed an “Ex-Parte
21 Consolidated Motion and Objections to 20 Order.” (Doc. No. 72). December 15, 2025, Plaintiff
22 filed a “Motion Requesting Scheduling 21 Order.” As more fully set forth below, the Court denies
23 Plaintiff’s first-filed motion but grants 22 Plaintiff’s second-filed motion. 23 In his first filed

motion, Plaintiff objects to the undersigned's September 11, 2025 Order 24 (Doc. No. 71), which denied Plaintiff's previous motion for a settlement conference, noting 25 Defendants' decision to opt out of a settlement conference pending the Court's consideration of 26 Defendants' motion for summary judgment. (Doc. No. 72). Plaintiff argues that summary 27 judgment has already been ruled upon and thus he renews his request for a "Mandatory 28 settlement conference" pursuant to Federal Rule of Civil Procedure 23(a)(1). (Doc. No. 72 at 1- 1 3). To the extent Plaintiff requests the district judge reconsider the undersigned's September 11, 2 2025 Order (Doc. No. 71), Plaintiff must file a request in accordance with this Court's Local 3 Rules. Specifically, the filing must be captioned "Request for Reconsideration by the District 4 Court of Magistrate Judge's Ruling." See Local Rule 303(c) (E.D. Cal. 2025). The request must 5 state the specific ruling Plaintiff wishes to be reconsidered, the part of the ruling to which he 6 objects, and the basis for such objection. Id. Additionally, pursuant to Federal Rule of Civil

7 Procedure 72, a party generally has fourteen (14) days after being served with a magistrate judge's

8 order on a nondispositive matter under Rule 72(a) to file objections. Fed. R. Civ. P. 72(a). 9 Failure to object within this timeframe typically waives the right to appeal that specific ruling. 10 Further, to the extent Plaintiff contends that summary judgment was already ruled upon, 11 he is mistaken. Defendants' prior motion was for a judgment on the pleadings regarding whether 12 Plaintiff's claims were barred by Heck v. Humphrey, 512 U.S. 477 (1994). (Doc. Nos. 37, 52). 13 After the district judge ruled on that motion, the previously assigned magistrate judge modified 14 the scheduling order on March 22, 2023. (Doc. No. 53). This order included a deadline for 15 dispositive motions, which includes motions for summary judgment. Therefore, the Court may 16 properly rule on Defendants' pending motion for summary judgment. 17 Regarding Plaintiff's renewed request for a settlement conference, as stated in the Court's

18 September 11, 2025 Order, a settlement conferences is voluntary and can only be fruitful when 19 both sides are open to settlement discussions. (Doc. No. 71 at 2-3). The Court is unable to 20 identify any Federal of Civil Procedure that mandates settlement conferences. To the extent 21 Plaintiff reads Federal Rule of Civil Procedure 23 as mandating a settlement conference, he is 22 incorrect. Rule 23 concerns procedures for bringing a class action, and this case is not a class 23 action. See Fed. R. Civ. P. 23. Furthermore, Federal Rule of Civil Procedure 16(c)(1), which 24 authorizes settlement conferences, is not intended "to impose settlement negotiations on 25 unwilling litigants." Fed. R. Civ. P. 16, Advisory Committee's Notes. Because Defendants have 26 opted out of a settlement conference, the Court will not set a settlement conference in this case at 27 this time. 28 //// 1 In his second filed motion, Plaintiff requests a copy of the scheduling order in this case. 2 | (Doc. No. 73). Plaintiff's request for a copy of any pleading should be directed to the clerk's 3 | office, not to the court via a motion. Plaintiff is reminded that "proceeding in forma pauperis 4 | does not entitle a party to the waiver of anything other than court filing fees." Martin v. McNut, 5 2011 WL 4543039, at *1 (E.D. Cal. Sept. 28, 2011). Nor does plaintiff's pro se or

prisoner status 6 | entitle him to receive complimentary copies. Blair v. CDCR, 2018 WL 1959532, at *6 f. 2 (E.D. 7 | Cal. Apr. 25, 2018). Consistent with statute, the clerk provides copies of documents and the 8 | docket sheet at \$0.50 per page. See 28 U.S.C. § 1914. Checks in the exact amount are payable to 9 | “Clerk, USDC.” 10 As a one-time courtesy the Court will direct the clerk to provide Plaintiff with a copy of 11 | the discovery and scheduling order issued on November 29, 2021 and the March 22, 2023 order 12 | modifying the scheduling order. (Doc. Nos. 26, 57). To the extent Plaintiff wishes to obtain a 13 | copy of any other further orders or pleadings, he is required to forward a check in the appropriate 14 | amount to the clerk with his request for the same. 15 Accordingly, it is hereby ORDERED: 16 1. Plaintiff's Ex-Parte Motion (Doc. No. 72) is DENIED. 17 2. Plaintiff's Motion Requesting Scheduling Order (Doc. No. 73) is GRANTED to the extent 18 set forth herein. 19 3. The Clerk of Court is directed to provide Plaintiff with a one-time courtesy copy of the

20 November 29, 2021 scheduling order (Doc. No. 26) and March 22, 2023 order modifying
21 the scheduling order (Doc. No 57). 22 4. Should Plaintiff desire copies of any further orders or
pleadings he must direct his request 23 directly to the Clerk of Court and pay the appropriate fee.
24 2 Dated: _ January 7, 2026 law ZA. foareh Back

6 HELENA M. BARCH-KUCHTA

4 UNITED STATES MAGISTRATE JUDGE

28