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8 UNITED STATES DISTRICT COURT  
9 SOUTHERN DISTRICT OF CALIFORNIA  
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11 TRISTIN D. KING,

12 Plaintiff,

13 v.

14 C/O FIERO and C/O WOLLESON,

15 Defendants.  
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Case No.: 3:20-cv-1254-JLS-AHG

**ORDER DENYING MOTION FOR  
SETTLEMENT CONFERENCE  
WITHOUT PREJUDICE AS  
PREMATURE**

**[ECF No. 15]**

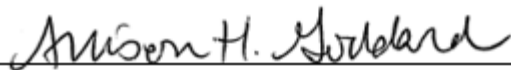
1 This matter comes before the Court on Plaintiff's Notice of Motion and Request for  
2 Arbitration, Mediation, and/or Settlement Conference. ECF No. 15. Plaintiff requests that  
3 the Court schedule a settlement conference in this case. *Id.*

4 The Court finds that Plaintiff's request is premature in light of Defendants' pending  
5 Motion to Dismiss Plaintiff's Complaint for failure to state a claim (ECF No. 9). Local  
6 Rule 16.1(c) provides that the Court schedule an Early Neutral Evaluation Conference  
7 ("ENE") (which is an early opportunity to discuss settlement) within forty-five (45) days  
8 of the filing of the first answer. CivLR 16.1(c).<sup>1</sup>

9 Accordingly, Plaintiff's Motion (ECF No. 15) is **DENIED** as premature. The Court  
10 will consider setting an ENE if and when an answer is filed in the case.

11 **IT IS SO ORDERED.**

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13 Dated: June 3, 2021

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15 Honorable Allison H. Goddard  
16 United States Magistrate Judge  
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26 <sup>1</sup> Local Rule 16.1(e) further provides that ENEs will not be set in Section 1983 cases, at  
27 the discretion of the judge assigned to the case. However, although the present case arises  
28 under Section 1983, the undersigned will consider setting an ENE in this action if the  
Motion to Dismiss is denied and an answer is filed.