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

CLARENCE. HOWARD,)	Case No.: 1:05-cv-00906-AWI-SAB (PC)
)	
Plaintiff,)	
)	
v.)	ORDER REGARDING PLAINTIFF’S ORDER TO SHOW CASE AS TO SETTLEMENT AGREEMENT
)	
GRADTILLO, et al.,)	
)	[ECF Nos. 119, 121]
Defendants.)	
)	
)	
)	

On June 24, 2013, the parties notified that the Court that they had settled this case in its entirety. On June 25, 2013, by stipulation of the parties the instant action filed pursuant to 42 U.S.C. § 1983 was dismissed, with prejudice, pursuant to Rule 41(a)(1)(A)(ii) of the Federal Rules of Civil Procedure. (ECF No. 117.)

On March 10, 2014, Plaintiff filed a motion for an order to show cause and temporary restraining order to direct Defendants to comply with the settlement agreement. Defendants filed a response to Plaintiff’s motion on May 9, 2014.

In their response, Defense counsel indicates that Plaintiff has failed to assist her in obtaining the necessary information to fulfill their obligation under the settlement agreement. Specifically, counsel states, “[d]espite the undersigned’s attempts to facilitate Plaintiff’s completion of the document and assist him in ascertaining his social security number, to date Plaintiff has not provided a completed Payee Data Record. As a result, the obligation to make payment has not accrued.” (ECF

1 No. 121, Response, at 1.) Defense counsel's declaration sets forth the specific terms of the agreement,
2 and the actions taken on their part to fulfill its obligation under the agreement. The evidence before
3 the Court demonstrates that defense counsel has assisted Plaintiff to the extent possible in obtaining
4 any and all necessary information to complete fully its obligation under the settlement agreement.
5 There is no basis for any type of enforcement order by this Court. Accordingly, Plaintiff's motion
6 requesting enforcement of the settlement agreement must be DENIED.

7
8 IT IS SO ORDERED.

9 Dated: May 22, 2014



10 UNITED STATES MAGISTRATE JUDGE