

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

KELVIN X. SINGLETON,

Plaintiff,

v.

A. HEDGEPATH, et al.,

Defendants.

No. 1:08-cv-0095 EPG PC

ORDER

Plaintiff is a state prisoner, now proceeding without counsel. All parties consented to Magistrate Judge jurisdiction under 28 U.S.C. 636(c). On March 29, 2016, the parties settled this action during a settlement conference before the undersigned. At that time, the undersigned explained to plaintiff that the settlement proceeds could be delayed up to six months from the date the written stipulation is executed, but that at the time of the settlement conference, it was averaging about three to four months for settlement proceeds to be paid. The parties filed the stipulation for voluntary dismissal on May 27, 2016.

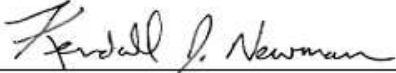
On October 14, 2016, plaintiff filed a letter explaining that he had written to defendants' counsel concerning a death in plaintiff's family and inquiring whether the settlement proceeds could be expedited; however, plaintiff claims that defense counsel failed to respond. Plaintiff notes that the "November 10, 2016 deadline" is fast approaching and contends that defendants' failure to timely pay the proceeds should enable him to either seek interest on the proceeds or

1 back out of the settlement altogether.

2 Although six months from the filing of the written stipulation has not yet run, the verbal
3 settlement of this case was put on the record on March 29, 2016. The delay in paying the
4 settlement proceeds in this case appears to be unusual. Therefore, defendants' counsel is directed
5 to file a status report advising the status of the payment of settlement proceeds in this case,
6 including whether the settlement proceeds will be paid to plaintiff on or before November 10,
7 2016. No response by plaintiff is required.

8 Accordingly, IT IS HEREBY ORDERED that within thirty days from the date of this
9 order, defendants shall file a status report as set forth above.

10 Dated: October 18, 2016

11 
12 _____
KENDALL J. NEWMAN
13 UNITED STATES MAGISTRATE JUDGE

14 /sing0095.fb.set
15
16
17
18
19
20
21
22
23
24
25
26
27
28