

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

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

TIMOTHY CRAYTON,
Plaintiff,

No. C 08-00621 WHA

v.

CORRECTIONAL OFFICER
A. HEDGEPEETH, et al.,
Defendants.

ORDER RE SETTLEMENT

Plaintiff Timothy Crayton is represented by *pro bono* counsel (Dkt. No. 262). This action settled in January 2014. The settlement was signed by Timothy Crayton, counsel for defendants, and the prison warden. The agreement stated:

Upon receipt of the settlement amount from [California Department of Corrections and Rehabilitation], Plaintiff shall execute and file a stipulation of voluntary dismissal with prejudice under Federal Rule of Civil Procedure 41(a)(1)(A)(ii). Plaintiff agrees to dismiss all the claims in the Complaint with prejudice, including Plaintiff’s claims that were previously dismissed from this matter without prejudice. Plaintiff further agrees not to appeal any Orders issued in this matter.

(Dkt. No. 283) (emphasis added).

In April 2014, Timothy Crayton, on his own, filed a “motion for sanctions and strict compliance with settlement contract.” Timothy Crayton stated that he refused to sign the stipulated dismissal before defendants delivered him the settlement check. His counsel and defense counsel have filed declarations. Defense counsel stated that the California Department of Corrections and Rehabilitation would issue Timothy Crayton’s settlement check (Seals

1 Decl. ¶ 5). The time for filing replies has passed.

2 This order rules as follows:

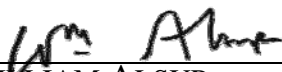
3 1. By **JUNE 3, 2014**, the California Department of Corrections and Rehabilitation
4 shall provide Timothy Crayton with the settlement check pursuant to the settlement agreement.
5 Within **TWO CALENDAR DAYS** of doing so, defendants shall so advise the Court with a
6 declaration.

7 2. The Court will then dismiss with prejudice all claims in the complaint.
8 This will dispose of the entire case, including all claims set forth in the complaint and referred to
9 by plaintiff himself in any of his descriptions of the case. This will terminate the entire action.
10 The file will be closed.

11 3. The excellent work of Attorneys Jeffrey L. Bornstein and Claudia A. Quiroz are
12 hereby recognized. When they were appointed as *pro bono* counsel, the undersigned judge
13 contemplated service only for this proceeding at the district court. It remains their decision
14 whether to represent plaintiff in any future proceedings. The Court thanks them for their service.

15
16 **IT IS SO ORDERED.**

17
18 Dated: May 9, 2014.



WILLIAM ALSUP
UNITED STATES DISTRICT JUDGE