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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

PATRICK KUNKEL,
Plaintiff,
v.
N. DILL, et al.,
Defendants.

No. 1:09-cv-0686 BAM P

ORDER

Plaintiff is a state prisoner proceeding without counsel. By order filed August 23, 2013, plaintiff was directed to file, within twenty-one days, a statement as to whether he still wishes to contest the settlement and, if so, on what grounds. Twenty-one days have now passed, and plaintiff has not responded to this court’s order.

As set forth in this court’s August 23, 2013 order, the transcript of the settlement agreement does not support the claims raised in plaintiff’s motions to cancel the settlement agreement. Accordingly, plaintiff’s motions to cancel the settlement are denied. Plaintiff is granted twenty-one days in which to sign the settlement documents provided by defendants, and is directed to file a statement with the court confirming that he has signed and mailed the signed settlement documents to defendants.

Local Rule 110 provides that failure to comply with the Local Rules “may be grounds for imposition of any and all sanctions authorized by statute or Rule or within the inherent power of

1 the Court.” Id. Rule 41(b) of the Federal Rules of Civil Procedure provides:

2 **Involuntary Dismissal; Effect.** If the plaintiff fails to prosecute or
3 to comply with these rules or a court order, a defendant may move
4 to dismiss the action or any claim against it. Unless the dismissal
5 order states otherwise, a dismissal under this subdivision (b) and
any dismissal not under this rule -- except one for lack of
jurisdiction, improper venue, or failure to join a party under Rule 19
-- operates as an adjudication on the merits.

6 Id. Thus, plaintiff is advised that failure to comply with this order will result in the dismissal of
7 this action based on plaintiff’s failure to comply with court orders.

8 In light of the above, IT IS HEREBY ORDERED that:

9 1. Plaintiff’s motions to cancel the settlement agreement (ECF Nos. 193, 195) are denied;

10 and

11 2. Within thirty days from the date of this order, plaintiff shall:


12 a. Sign and return to counsel for defendants the documents required to complete
13 settlement of this action; and

14 b. File a statement with the court confirming that he has signed and mailed the
15 signed settlement documents to defendants.

16 Plaintiff is cautioned that failure to comply with this order will result in the dismissal of
17 this action. Fed. R. Civ. P. 41(b).

18 Dated: October 17, 2013

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KENDALL J. NEWMAN
UNITED STATES MAGISTRATE JUDGE