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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

JAMES R. WILLIS,

Plaintiff,

vs.

DEVERE,

Defendant.

1:09-cv-01703-AWI-GSA-PC

ORDER ADOPTING FINDINGS AND
RECOMMENDATIONS
(Doc. 78.)

ORDER DENYING PLAINTIFF'S
MOTION TO ENFORCE
SETTLEMENT AGREEMENT, FOR
LACK OF JURISDICTION
(Doc. 66.)

James R. Willis ("Plaintiff") is a federal prisoner proceeding pro se in this civil rights action pursuant to Bivens vs. Six Unknown Agents, 403 U.S. 388 (1971). Plaintiff filed this case on September 28, 2009. (Doc. 1.) This case proceeded on Plaintiff's Third Amended Complaint, filed on July 8, 2011, against defendant Devere ("Defendant") for failure to protect Plaintiff in violation of the Eighth Amendment.¹ (Doc. 24.) On May 20, 2013, the court dismissed this action with prejudice, pursuant to the parties' Stipulation for Dismissal and Rule 41(a) of the Federal Rules of Civil Procedure. (Doc. 64.)

Plaintiff then filed a Plaintiff's motion for the Court to enforce the parties' settlement agreement. This matter was referred to a United States Magistrate Judge pursuant to 28 U.S.C.

¹ On March 19, 2013, the court granted Defendants' motion to dismiss, dismissing all other claims and defendants from this action. (Doc. 60.)

1 § 636(b)(1)(B) and Local Rule 302. On January 15, 2014, [findings and recommendations](#) were
2 entered, recommending that Plaintiff's motion for the Court to enforce the parties' settlement
3 agreement be denied for lack of jurisdiction. (Doc. 78.) On February 6, 2014, Plaintiff filed
4 [objections](#) to the findings and recommendations. (Doc. 79.) On February 13, 2014, Defendant
5 filed a [reply](#) to Plaintiff's objections. (Doc. 80.)

6 In accordance with the provisions of 28 U.S.C. § 636 (b)(1)(B) and Local Rule 304, this
7 Court has conducted a de novo review of this case. Having carefully reviewed the entire file,
8 including Plaintiff's objections and Defendant's reply, the Court finds the findings and
9 recommendations to be supported by the record and proper analysis.

10 Accordingly, THE COURT HEREBY ORDERS that:

- 11 1. The Findings and Recommendations issued by the Magistrate Judge on January
12 15, 2014, are ADOPTED IN FULL; and
- 13 2. Plaintiff's motion for the Court to enforce the parties' settlement agreement,
14 filed on July 22, 2013, is DENIED for lack of jurisdiction.

15 IT IS SO ORDERED.

16 Dated: April 18, 2014

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18 SENIOR DISTRICT JUDGE