

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  
EASTERN DISTRICT OF CALIFORNIA**

SYLESTER WILLIAMS,	)	Case No.: 1:10-cv-01250-SAB (PC)
Plaintiff,	)	
v.	)	ORDER DENYING PLAINTIFF’S EX PARTE MOTION
SERGEANT R. ANDERSON, et al.,	)	[ECF No. 166]
Defendant.	)	
	)	
	)	
	)	

---

On August 3, 2015, the instant action filed pursuant to 42 U.S.C. § 1983 was dismissed, with prejudice, pursuant to the parties’ stipulation.

On May 2, 2016, Plaintiff filed an ex parte application. Plaintiff continues to dispute the amount of restitution deducted from his settlement amount. In response to a prior motion filed by Plaintiff, Defendant submitted evidence that the proper amount of restitution was deducted from the settlement amount. (ECF No. 156.) As set forth by Defendant in the prior opposition, the restitution amount collected by the Defendant was not limited to the restitution owed by Plaintiff under his current CDCR number, but included “any amounts owed by a prisoner under a restitution fine or order, including any administrative fees related to such amounts.” (ECF No. 156, Opp’n at 3:6-7.) Plaintiff was ordered to pay \$1,400.00 as part of his current sentence (ECF No. 156, Ex. B, Abstract of Judgment), and had a restitution balance of \$847.46 under his current CDCR number, (P-91921) at the time that the settlement was paid. (*Id.*, Ex. A.) In addition, Plaintiff owed \$400.00 under his previous commitment number (E-23233). (*Id.*, Exs. C & D.) As stated in the Court’s February 25, 2016, order, based on the evidence submitted by Defendant, the proper amounts of restitution were deducted from

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

the settlement amount, and Plaintiff's allegations to the contrary are rejected. (ECF No. 160.)  
Accordingly, there is no relief that can be granted and Plaintiff's motion is DENIED.

IT IS SO ORDERED.

Dated: August 30, 2016

  
UNITED STATES MAGISTRATE JUDGE