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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

MICHAEL MCNEIL,
Plaintiff,
v.
LVN HAYES, et al.,
Defendants.

Case No. 1:10-cv-01746-AWI-SKO (PC)
ORDER (1) DISMISSING ACTION WITH
PREJUDICE PURSUANT TO
STIPULATION OF VOLUNTARY
DISMISSAL AND (2) RETAINING
JURISDICTION TO ENFORCE
SETTLEMENT AGREEMENT PENDING
FULFILLMENT OF TERMS AND RECEIPT
OF DECLARATION ATTESTING TO
FULFILLMENT OF TERMS

(Doc. 171)

Plaintiff Michael McNeil, a state prisoner proceeding pro se and in forma pauperis, filed this civil rights action pursuant to 42 U.S.C. § 1983 on September 23, 2010. This action is proceeding on Plaintiff's second amended complaint against Defendants Hayes, Raman, Soto, Byers, Doe, and Rotman on Plaintiff's Eighth Amendment medical care claims.

On November 13, 2014, United States Magistrate Judge Craig M. Kellison held a settlement conference in this matter. The parties reached a monetary settlement agreement, and they subsequently filed a stipulation to dismiss this action, with prejudice. Fed. R. Civ. P. 41(a)(1)(A)(ii).

The Court shall retain jurisdiction to enforce the settlement agreement until such time as Defendants Soto, Byers, and Rotman's counsel files a declaration stating that the terms of the settlement have been fulfilled and the agreed upon funds have been deposited in Plaintiff's trust

1 account. *Kokkonen v. Guardian Life Ins. Co.*, 511 U.S. 375, 378, 114 S.Ct. 1673 (1994); *Alvarado*
2 *v. Table Mountain Rancheria*, 509 F.3d 1008, 1017 (9th Cir. 2007); *Ortolf v. Silver Bar Mines,*
3 *Inc.*, 111 F.3d 85, 87-88 (9th Cir. 1997); *Hagestad v. Tragesser*, 49 F.3d 1430, 1433 (9th Cir.
4 1995).

5 According, it is HEREBY ORDERED that (1) this action is dismissed, with prejudice,
6 pursuant to the parties' stipulation of dismissal, and (2) the Court shall retain jurisdiction to
7 enforce the settlement agreement until such time as Defendants Soto, Byers, and Rotman's
8 counsel files a declaration stating that the terms of the settlement have been fulfilled and the
9 agreed upon funds have been deposited in Plaintiff's trust account. Fed. R. Civ. P. 41(a)(2).

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11 IT IS SO ORDERED.

12 Dated: November 17, 2014



13 SENIOR DISTRICT JUDGE

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