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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

VICTOR ILSUNG,
Plaintiff,
v.
ROBERT MOBERT,
Defendant.

No. 1:10-cv-2070 AWI MJS P

ORDER

Plaintiff is a state prisoner, proceeding without counsel, with a civil rights action pursuant to 42 U.S.C. § 1983. On December 3, 2015, plaintiff filed a request for settlement payment. On December 21, 2015, plaintiff inquired as to the terms of the settlement of this action, complaining that prison officials applied 100% of the settlement payment toward his restitution order. Plaintiff provided a copy of his inmate trust account statement which reflects a credit for the payment of the settlement.

On June 5, 2015, the undersigned conducted a settlement conference in this action. The parties settled this action, and the terms of the settlement were placed on the record. The court reviewed the recording of the settlement terms, and confirmed that the undersigned informed the parties that any settlement must first be applied to plaintiff's restitution. At the time of the hearing, the parties believed that plaintiff owed about \$300.00 in restitution; however, the court informed the parties that the settlement amount is not impacted by that restitution amount. The

1 undersigned explained that if plaintiff owed less than \$300.00, defendant could not object to the
2 settlement terms; similarly, if plaintiff owed more than \$300.00, plaintiff could not object. Thus,
3 whether the restitution amount turned out to be less or more, it would not be a basis to seek to set
4 aside the settlement. Plaintiff was informed that prison officials were entitled to apply 100% of
5 his settlement funds to his restitution order.

6 Accordingly, IT IS HEREBY ORDERED that plaintiff's request for settlement payment
7 (ECF No. 83) is denied as moot.

8 Dated: January 20, 2016

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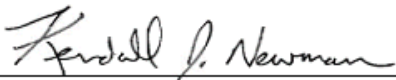
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KENDALL J. NEWMAN
UNITED STATES MAGISTRATE JUDGE