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7 UNITED STATES DISTRICT COURT
8 EASTERN DISTRICT OF CALIFORNIA
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10 JAMES EDWARD BOWELL,

11 Plaintiff,

12 v.

13 A. DIAZ, et al.,

14 Defendants.
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Case No. 1:11-cv-01350-AWI-MJS (PC)

**ORDER DENYING MOTION FOR
FURTHER SETTLEMENT
NEGOTIATION**

(ECF No. 64)

16 Plaintiff is a state prisoner proceeding pro se and in forma pauperis in this civil
17 rights action brought pursuant to 42 U.S.C. § 1983. The action, now closed, proceeded
18 against Defendants Diaz and Rodriguez on Plaintiff's Eighth Amendment failure to
19 protect claim.

20 On February 26, 2015, the parties appeared for a settlement conference before
21 Magistrate Judge Craig M. Kellison, and the matter settled. (ECF No. 57.) The action
22 was dismissed pursuant to the parties' stipulation on March 5, 2015. (ECF No. 61.)

23 Before the Court is Plaintiff's April 13, 2015 motion seeking further settlement
24 negotiations. (ECF No. 64.) Plaintiff believes the action is still pending because he has
25 not been paid the monetary settlement agreed to at the conference. Plaintiff wishes to
26 discharge the monetary settlement in exchange for his release from custody.

27 This action was dismissed pursuant to the parties' stipulation, and no further
28 relief is available to Plaintiff in this action in relation to his claims. To the extent Plaintiff

1 wishes to enforce the settlement agreement, he must do so in state court. Kokkonen v.
2 Guardian Life Ins. Co. of Am., 511 U.S. 375, 382 (1994). Plaintiff's desire for a more
3 favorable settlement does not entitle him to relief from judgment. Although voluntary
4 dismissals may be considered judgments from which Federal Rule of Civil Procedure
5 Rule 60(b) relief can be granted, see In re Hunter, 66 F.3d 1002, 1004-05 (9th Cir.
6 1995), Plaintiff presents no basis for such relief.

7 Accordingly, Plaintiff's motion for further settlement negotiations (ECF No. 64) is
8 HEREBY DENIED and the action shall remain closed.

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10 IT IS SO ORDERED.

11 Dated: April 30, 2015



12 SENIOR DISTRICT JUDGE

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