

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

RODNEY BROOKS,
Plaintiff,
v.
HAROLD TATE, et al.,
Defendants.

Case No. 1:11-cv-01503 AWI DLB PC
ORDER REGARDING PLAINTIFF’S
REQUEST FOR ORDER DIRECTING
DEFENDANT TO PLACE \$2,500.00 ON
PLAINTIFF’S PRISON ACCOUNT
[ECF No. 93]

Plaintiff Rodney Brooks, a state prisoner proceeding pro se and in forma pauperis, filed this civil rights action pursuant to 42 U.S.C. § 1983 on August 29, 2011. Pending before the Court is Plaintiff’s request, filed November 12, 2015, for an order directing Defendant to place the sum of \$2,500.00 into Plaintiff’s prison trust account.

On May 22, 2015, Plaintiff entered into a settlement agreement with Defendant in this action. The agreement required Defendant to pay the sum of \$2,500.00 to Plaintiff. Plaintiff contends that, to date, Defendant has failed to fulfill this obligation. Plaintiff requests that the Court order Defendant or his representatives to place the payment in Plaintiff’s prison trust account within thirty days.

On November 20, 2015, Defendant filed his opposition to Plaintiff’s request. Defendant states that following the settlement conference, Plaintiff was sent a Payee Data Record, which is a State requirement to receiving payment. Plaintiff returned this form in July of 2015; however,

1 at around the same time, a separate case in the Southern District of California, Brooks v. Munoz,
2 (3-00277), settled. Plaintiff had signed Payee Data Records in these two cases which had two
3 different Social Security numbers. In addition, Plaintiff had submitted a third Social Security
4 number that was on file with the California Department of Corrections and Rehabilitation
5 (CDCR). Due to the conflicting numbers, the CDCR Office of Legal Affairs asked Plaintiff to
6 clarify and confirm his correct Social Security number. This was necessary prior to payment
7 being made in either case. Defendant states that Plaintiff was re-sent a Payee Data Record and
8 he has not returned it. Without a correct Social Security number, the State cannot make
9 payment. Defendant submits that Plaintiff need only comply by providing a single, valid Social
10 Security number with proof and then payment can be made. Plaintiff did not reply to
11 Defendant's opposition.

12 Based on the foregoing, Plaintiff's request for a court order directing the State to make
13 payment is DENIED without prejudice. Pursuant to State law, Plaintiff must submit a valid
14 Social Security number in order that payment can be made. In the event Plaintiff submits a valid
15 Social Security number with proof, and the State declines to make payment, then Plaintiff may
16 renew the instant motion.

17 IT IS SO ORDERED.

18 Dated: December 10, 2015

19 
20 SENIOR DISTRICT JUDGE
21
22
23
24
25
26
27
28