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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

BARRY LOUIS LAMON,
Plaintiff,
v.
B. AMRHEIGN, et al.,
Defendants.

Case No. 1:12-cv-00296-DAD-BAM (PC)
ORDER REGARDING PLAINTIFF'S
MOTION CONCERNING TERMS OF
SETTLEMENT
(ECF No. 108)

Plaintiff Barry Louis Lamon is a state prisoner proceeding *pro se* and *in forma pauperis* in this civil rights action pursuant to 42 U.S.C. § 1983.

On November 17, 2017 a settlement conference was held in this matter before Magistrate Judge Michael J. Seng, at which this case settled. (ECF No. 104.) On November 20, 2017, defense counsel filed a stipulation for dismissal with prejudice signed by all parties. (ECF Nos. 105.) On November 27, 2017, all parties having stipulated to a dismissal with prejudice, this case was closed. (ECF No. 107).

Currently before the Court is Plaintiff's motion regarding the terms of the settlement, filed on December 1, 2017. (ECF No. 108.) Plaintiff states in the motion that as part of the settlement terms, he was to be issued a JWIN-brand boombox radio with an AM/FM/CD/cassette player. He further states that although he was issued the boombox, only the radio portion is functioning, and the CD and cassette-playing functions do not work. Plaintiff submits documentation in support. Plaintiff argues that as a result of the improperly functioning boombox, the terms of the settlement have not been fulfilled, and he seeks an order of the Court regarding a replacement.

1 On December 8, 2017, the Court ordered Defendants to respond to Plaintiff's motion.
2 (ECF No. 109.) On December 22, 2017, Defendants sought a fourteen-day extension of time to
3 work out issues with institutional staff regarding this matter, (ECF No. 110), which was granted,
4 (ECF No. 111).

5 On January 8, 2018, Defendants filed a response to Plaintiff's motion. (ECF No. 112.) The
6 time for any reply has passed, and none has been filed. Accordingly, the motion is deemed
7 submitted. Local Rule 230(1).

8 Defendants respond, with a declaration of counsel in support, that the litigation
9 coordinator was contacted regarding the boombox issue that Plaintiff has raised. The litigation
10 coordinator informed defense counsel that staff had located a Sony radio and CD player that
11 Plaintiff would need to inspect and agree to accept as a replacement. Counsel was later informed
12 that on December 26, 2017, Plaintiff inspected and accepted the replacement to fulfill that portion
13 of the settlement terms. A true and correct copy of an addendum and release indicating that the
14 replacement was accepted, which is signed and dated by Plaintiff, is attached as an exhibit. (ECF
15 No. 112-1, at p. 2.)

16 Plaintiff has not disputed any of these representations or otherwise shown any relief is due
17 here. Thus, this matter is resolved without further need for Court intervention.

18 Accordingly, Plaintiff's motion seeking an order regarding the settlement terms in this
19 action, filed on December 1, 2017 (ECF No. 108), is denied.

20
21 IT IS SO ORDERED.

22 Dated: January 25, 2018

/s/ Barbara A. McAuliffe
23 UNITED STATES MAGISTRATE JUDGE