

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

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

Case No. 1:12-cv-00296-DAD-BAM (PC)  
**ORDER DIRECTING DEFENDANTS TO  
RESPOND TO PLAINTIFF’S MOTION  
REGARDING FAILURE TO PAY  
SETTLEMENT**  
(ECF No. 114)

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 failure to pay the monetary portion of the settlement, filed on February 14, 2018. (ECF No. 114.) The motion is somewhat confusing, as it appears to reference a settlement in a different action as well as in the current action. Nevertheless, Plaintiff appears to assert that the monetary portion of the settlement in this case was not paid to him as of the date of his motion.

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

Based on the foregoing, the Court finds it appropriate to require Defendants to respond to Plaintiff's motion.

Accordingly, it is HEREBY ORDERED that Defendants shall file a response to Plaintiff's motion within thirty (30) days. If necessary, Plaintiff may file a reply within ten (10) days of service of Defendants' response. The motion will be deemed submitted when the time for a reply has passed. Local Rule 230(1).

IT IS SO ORDERED.

Dated: March 27, 2018

/s/ Barbara A. McAuliffe  
UNITED STATES MAGISTRATE JUDGE