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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

MANUEL ANTONIO GONZALEZ,
Plaintiff,
v.
J. RAZO, et al.,
Defendants.

No. 1:15-cv-01098-DAD-EPG

ORDER ADOPTING FINDINGS AND
RECOMMENDATIONS

(Doc. Nos. 149, 161)

Manuel Antonio Gonzalez is a state prisoner proceeding *pro se* and *in forma pauperis* in this civil rights action filed pursuant to 42 U.S.C. § 1983. The matter was referred to a United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

This case was closed on January 30, 2019 (Doc. No. 145) following a stipulation for voluntary dismissal with prejudice that was signed by counsel for both parties and filed with the court on January 29, 2019. (Doc. No. 144). On February 21, 2019, plaintiff filed a *pro se* motion to enforce settlement agreement, full payment to attorney, and/or to allow plaintiff to withdraw settlement and proceed with trial. (Doc. No. 149.)

On August 29, 2019, the assigned magistrate judge issued findings and recommendations, recommending that plaintiff's motion be denied. The findings and recommendations explained that plaintiff had not established extraordinary circumstances justifying relief from the court's order closing the case pursuant to the parties' stipulation of voluntary dismissal given defendant's

1 compliance with the settlement agreement and the absence of any showing by plaintiff that his
2 consent to the settlement agreement was obtained through duress, menace, fraud, or undue
3 influence. (Doc. No. 161.) The findings and recommendations were served on the parties and
4 contained notice that any objections thereto were to be filed within fourteen days after service.
5 (*Id.* at 8.) To date, objections have not been filed, and the time in which to do so has since
6 passed.¹

7 In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C), the court has conducted a
8 *de novo* review of this case. Having carefully reviewed the entire file, the court find the findings
9 and recommendations to be supported by the record and proper analysis.

10 Accordingly,

- 11 1. The August 29, 2019 findings and recommendations (Doc. No. 161) are adopted in
12 full;
- 13 2. Plaintiff's pro se motion to enforce settlement agreement, full payment to attorney,
14 and/or to allow plaintiff to withdraw settlement and proceed with trial. (Doc. No. 149)
15 is denied; and
- 16 3. As indicated in the January 30, 2019 order (Doc. No. 145), this case is closed.

17 IT IS SO ORDERED.

18 Dated: September 24, 2019

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20 UNITED STATES DISTRICT JUDGE

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24 ¹ The court notes that according to a docket entry on September 9, 2019, the copy of the findings
25 and recommendations mailed to plaintiff at his institution of confinement was returned to the
26 court by the U.S. Postal Service marked as undeliverable because it was "refused." The court
27 also notes that plaintiff's counsel of record has apparently not been substituted out as plaintiff's
28 counsel of record, nor has plaintiff filed a notice of appearance indicating that he wishes to
represent himself in this action in place of his counsel of record. In any event, the August 29,
2019 findings and recommendations were also served on plaintiff's counsel of record who has not
filed any objections thereto.