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**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA**

SHAUNTAE TAYLOR,

Plaintiff,

v.

C/O J. GREGORY,

Defendant.

Case No.: 1:16-cv-00698-LJO-SAB (PC)

ORDER DENYING PLAINTIFF’S MOTION
FOR SANCTIONS AGAINST KERN VALLEY
STATE PRISON

(ECF No. 36)

Plaintiff Shauntae Taylor is appearing pro se and in forma pauperis in this civil rights action pursuant to 42 U.S.C. § 1983.

On September 18, 2017 a settlement conference was held in this matter before Magistrate Judge Barbara A. McAuliffe, at which this case settled. (ECF No. 32.) On September 20, 2017, a joint stipulation for dismissal with prejudice was filed, (ECF No. 34), and on September 21, 2017, this case was closed, (ECF No. 35).

On November 13, 2017, Plaintiff filed a motion for sanctions, arguing that he has not been compensated according to the terms and conditions of the settlement agreement reached between the parties. On November 16, 2017, the Court ordered Defendant to respond to Plaintiff’s motion for sanctions. (ECF No. 37.)

1 On November 29, 2017, defense counsel filed a declaration in response to Plaintiff's motion
2 for sanctions. Defense counsel declared that Plaintiff's motion was premature, as the time allotted to
3 comply with the requirement to deliver certain property elements of the settlement agreement had not
4 passed at the time that Plaintiff filed his motion. Nevertheless, defense counsel further declared that as
5 of November 17, 2017, Plaintiff had received the agreed-upon property as part of the terms of the
6 settlement agreement in this case. (ECF No. 38.)

7 The time for Plaintiff to reply to the response has passed, and no reply has been filed.
8 Therefore, Plaintiff's motion is deemed submitted. Local Rule 230(l).

9 In reviewing the submissions by the parties, the Court agrees that Plaintiff's motion was
10 prematurely filed. More importantly, it appears that Plaintiff has received the complained-about
11 property, and thus the basis for his request for sanctions is now moot. Plaintiff does not dispute that
12 he received the agreed-upon property he sought.

13 Accordingly, Plaintiff's motion for sanction is HEREBY DENIED.

14
15 IT IS SO ORDERED.

16 Dated: December 27, 2017



UNITED STATES MAGISTRATE JUDGE