

1
2
3
4
5
6
7
8 UNITED STATES DISTRICT COURT
9 EASTERN DISTRICT OF CALIFORNIA

10 JORGE CORENA,

11 Plaintiff,

12 v.

13 RODRIGUEZ, et al.,

14 Defendants.
15
16
17

Case No. 1:16-cv-01025-LJO-EPG (PC)

ORDER DENYING PLAINTIFF'S MOTION
TO ENFORCE SETTLEMENT
AGREEMENT, WITHOUT PREJUDICE

(ECF NO. 111)

18 Jorge Corena ("Plaintiff") is a state prisoner proceeding *pro se* and *in forma pauperis* in
19 this civil rights action filed pursuant to 42 U.S.C. § 1983. The case was voluntarily dismissed
20 in June of 2019 pursuant to a settlement (ECF Nos. 105 & 107), and the case was closed (ECF
21 No. 108).

22 On June 25, 2019, Plaintiff filed a motion to enforce the settlement agreement. (ECF
23 No. 111). Plaintiff states that he has not yet received the settlement funds. Plaintiff also states
24 that he has not yet received a copy of the settlement agreement. Plaintiff asks the Court to
25 enforce the settlement agreement and "ask" defense counsel to forward a copy of "all
26 documents signed for that day[,] including all stipulations." (*Id.* at 1). Plaintiff notes that he
27 did receive a two-page "paper with signatures talking about dismissals." (*Id.*).

28 On July 19, 2019, Defendant Rodriguez filed a response. (ECF No. 113). Defendant

1 states that “[o]n July 18, 2019, Plaintiff was served with a copy of the fully executed settlement
2 agreement.” (Id. at 2). Additionally, Defendant notes that, as defense counsel stated on the
3 record at the settlement conference, payment can take up to 180 days.

4 Plaintiff’s motion will be denied, without prejudice. It appears that Plaintiff has now
5 received a copy of all relevant documents. Thus, that portion of his motion has been resolved.
6 To the extent Plaintiff is asking the Court to order Defendant to make the settlement payment,
7 Plaintiff’s request is premature because the 180-day period has not yet expired. If payment is
8 not made within the 180-day period, Plaintiff may renew his motion to enforce the settlement
9 agreement.

10 Accordingly, IT IS ORDERED that Plaintiff’s motion to enforce the settlement
11 agreement is DENIED without prejudice.

12
13 IT IS SO ORDERED.

14 Dated: July 22, 2019

/s/ Eric P. Gray
UNITED STATES MAGISTRATE JUDGE