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

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| MADERO POUNCIL, Plaintiff, v. D. LOPEZ, Defendant. | Case No. 1:17-cv-00547-AWI-BAM (PC) ORDER DENYING PLAINTIFF’S MOTION TO ENFORCE SETTLEMENT AGREEMENT (ECF No. 41) |
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Plaintiff Madero Pouncil is a state prisoner proceeding *pro se* and *in forma pauperis* in this civil rights action pursuant to 42 U.S.C. § 1983.

On July 11, 2019, a settlement conference was held before the undersigned. The terms and conditions of the settlement agreement were placed on the record. (ECF No. 37.)

On July 26, 2019, the parties filed a stipulation to dismiss this action with prejudice pursuant to Federal Rule of Civil Procedure 41(a)(1)(A)(ii), (ECF No. 39), and the action was terminated by operation of law, (ECF No. 40).

On January 15, 2020, Plaintiff filed a letter to the Court. (ECF No. 41.) In his letter, Plaintiff states that, as of January 13, 2020, he has not received payment pursuant to the settlement agreement and, therefore, he seeks an order requiring Defendant to pay the agreed upon amount as soon as possible. Plaintiff’s letter was not signed under penalty of perjury. (Id.) The Court construed Plaintiff’s letter as a motion to enforce the settlement agreement, and

1 ordered Defendant Lopez to file a response to Plaintiff's motion within fourteen days. (ECF No.
2 42.)

3 On January 29, 2020, Defendant Lopez filed a response to Plaintiff's motion to enforce
4 the settlement agreement. (ECF No. 43.) Defendant's response is supported by the declaration of
5 Defendant's counsel. In his declaration, counsel states that, on January 10, 2020, he was
6 informed in an e-mail from CDCR that Plaintiff's settlement proceeds had been paid on January
7 8, 2020, which is within 180 days of July 11, 2019. (Id. at 3.) Defense counsel's declaration is
8 signed under penalty of perjury. (Id.)

9 The Court directed Plaintiff to not file a reply unless ordered to do so. The Court finds
10 that no reply is necessary, and Plaintiff's motion is deemed submitted. Local Rule 230(l).

11 Based on the information currently before the Court, it appears that CDCR has paid the
12 settlement proceeds to Plaintiff in accordance with the terms of the settlement agreement.
13 Therefore, Plaintiff's motion to enforce the settlement agreement, (ECF No. 41), is HEREBY
14 DENIED.

15 IT IS SO ORDERED.

16 Dated: February 4, 2020

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19 UNITED STATES MAGISTRATE JUDGE
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