

1 UNITED STATES DISTRICT COURT  
2 FOR THE EASTERN DISTRICT OF CALIFORNIA  
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4 LINO SUSANO ESTRADA CASTRO,  
5 MARIA RODRIGUEZ, and BENJAMIN  
6 GUZMAN ESTRADA,

7 Plaintiffs,

8 v.

9 UNITED STATES OF AMERICA,

10 Defendant.

No. 1:17-cv-00673-AWI-BAM

ORDER ADOPTING FINDINGS AND  
RECOMMENDATIONS REGARDING  
PETITION FOR APPROVAL OF MINOR'S  
COMPROMISE OF DISPUTED ACTION

Doc. Nos. 21, 26

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13 On June 19, 2018, the assigned Magistrate Judge issued findings and recommendations that  
14 the petition for approval of compromise of the claims of minor plaintiff Benjamin Guzman Estrada,  
15 by and through his guardian ad litem Rogelio Eli Estrada Castro, be approved and granted. (Doc.  
16 No. 26.) The findings and recommendations were served on the parties, and contained notice that  
17 any objections must be filed within fourteen (14) days of service of the order. On June 25, 2018,  
18 Defendant United States of America filed a notice of non-objection to the findings and  
19 recommendations. (Doc. No. 27.) No objections or other response was filed by Plaintiffs to this  
20 action.

21 In accordance with the provisions of 28 U.S.C. § 636 (b)(1)(c), this Court has conducted a  
22 *de novo* review of the case. Having carefully reviewed the entire file, the Court finds that the  
23 findings and recommendations are supported by the record and proper analysis.

24 Accordingly, IT IS HEREBY ORDERED that:


- 25 1. The findings and recommendations issued on June 19, 2018, are adopted in full;
- 26 2. The Petition for Approval of Minor's Compromise of Disputed Action is  
27 GRANTED and the terms of the settlement, including costs and attorneys' fees, are  
28 APPROVED as fair and reasonable;

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3. Minor Plaintiff Benjamin Guzman Estrada shall receive \$5,796.02 by way of settlement;
4. The United States is directed to pay the \$5,796.02 to Rogelio Eli Estrada Castro, as the Guardian Ad Litem for Benjamin Guzman Estrada, a minor, in trust to the Law Offices of Steven Ibarra for deposit into the OnPoint Community Credit Union interest-bearing, blocked account numbered 1331097;
5. No withdrawals of principal or interest may be made from the blocked accounts without a written order under this case name and number, signed by a judge, and bearing the seal of this Court, until the respective minor attain the age of 18 years. When the respective minor attains the age of 18 years, the depository, without further order of this Court, is authorized and directed to pay by check or draft directly to the former minor, upon proper demand, all moneys including interest deposited under this order. The money on deposit is not subject to escheat.
6. The blocked account in this matter is to be solely for the benefit of minor plaintiff in this case and such funds placed, therein, cannot be accessed by anybody other than the respective minor plaintiff upon reaching the age of majority. The parents/guardian ad litem shall have no right to access any of the funds in such blocked account for any reason.
7. Plaintiffs' counsel shall have twenty-one (21) days following payment of the settlement proceeds to submit proof of the funding of the above-referenced account to the Court; and
8. The Minor Plaintiff's share to be paid for attorneys' fees in the amount of \$3,000.00 and costs in the amount of \$251.22 is approved.

IT IS SO ORDERED.

Dated: July 11, 2018

  
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SENIOR DISTRICT JUDGE