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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

FRANK WELLS,
Plaintiff,
v.
ROSA GONZALES,
Defendant.

Case No. 1:17-cv-01240-DAD-EPG (PC)

ORDER SETTING TELEPHONIC
HEARING ON PLAINTIFF’S MOTION
TO ENFORCE SETTLEMENT
AGREEMENT (ECF NO. 112)

DATE: September 16, 2021
TIME: 10:00 a.m.

ORDER DIRECTING CLERK TO EMAIL
A COPY OF THIS ORDER TO THE
LITIGATION COORDINATOR AT MULE
CREEK STATE PRISON

Frank Wells (“Plaintiff”) is a state prisoner proceeding *pro se* and *in forma pauperis* in this civil rights action. This case settled (ECF No. 107) and was closed (ECF Nos. 109 & 110). However, the Court retained jurisdiction to enforce the terms of the settlement agreement. (ECF No. 110).

On July 6, 2021, Plaintiff filed what the Court construes as a motion to enforce the settlement agreement. (ECF No. 112). On July 19, 2021, Defendant filed an opposition. (ECF No. 113). On August 6, 2021, Plaintiff filed a reply. (ECF No. 114).

The Court will set a hearing on the matter. At the hearing, the parties should be prepared to discuss the application of California Penal Code § 2085.8; California Penal Code § 2085.5; and California Code of Regulations, Title 15, § 3097.

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Accordingly, IT IS ORDERED that:

1. A hearing on Plaintiff's motion to enforce the settlement agreement is set for **September 16, 2021, at 10:00 a.m.** The hearing will last no longer than one hour. Parties shall appear by phone. To join the conference, each party is directed to call the toll-free number (888) 251-2909 and use Access Code 1024453
2. Plaintiff shall make arrangements with staff at his institution of confinement for his attendance at the hearing. Plaintiff's institution of confinement shall make Plaintiff available for the hearing at the date and time indicated above. Plaintiff shall be made available for up to one hour. Prior to the hearing defense counsel shall confirm with Plaintiff's institution of confinement that arrangements have been made for Plaintiff's attendance.
3. The Clerk of Court is directed to email a copy of this order to the Litigation Coordinator at Mule Creek State Prison.

IT IS SO ORDERED.

Dated: August 26, 2021

/s/ Eric P. Gray
UNITED STATES MAGISTRATE JUDGE