1 2 3 4 5 6 7 8 UNITED STATES DISTRICT COURT 9 EASTERN DISTRICT OF CALIFORNIA 10 11 EDWARD B. SPENCER, Case No. 1:17-cv-01505-LJO-JDP (PC) 12 Plaintiff. ORDER REOUIRING DEFENDANT **GUTIERREZ TO RESPOND TO** 13 PLAINTIFF'S MOTION TO ENFORCE v. SETTLEMENT AGREEMENT 14 J. GUTIERREZ, (ECF No. 31) 15 Defendant. FOURTEEN (14) DAY DEADLINE 16 17 Plaintiff Edward B. Spencer is a state prisoner proceeding pro se and in forma pauperis in 18 this civil rights action pursuant to 42 U.S.C. § 1983. 19 On July 12, 2019, a settlement conference was held before the undersigned. The terms 20 and conditions of the settlement agreement were placed on the record. (ECF No. 26.) 21 On July 15, 2019, the parties filed a stipulation to dismiss this action with prejudice 22 pursuant to Federal Rule of Civil Procedure 41(a)(1)(A)(ii), (ECF No. 29), and the action was 23 terminated by operation of law, (ECF No. 30). 24 Currently before the Court is Plaintiff's filing titled "Current Status of Settlement Agreement," filed on February 7, 2020. (ECF No. 31.) In the filing, Plaintiff asserts that, while 25 26 he and Defendant settled this case more than six months ago, he has not received any 27 "communiqué" stating that the settlement proceeds have been placed into his inmate trust 28 account. (Id.) The Court construes Plaintiff's filing as a motion to enforce the settlement

agreement.

The Court finds it appropriate to require Defendant Gutierrez to file a response to Plaintiff's motion to enforce the settlement agreement. Accordingly, it is HEREBY ORDERED that, within **fourteen (14) days** from the date of service of this order, Defendant shall file a response to Plaintiff's motion to enforce the settlement agreement, (ECF No. 31). Plaintiff should not file any reply to Defendant's response absent further order from this Court.

IT IS SO ORDERED.

Dated: **February 13, 2020**

UNITED STATES MAGISTRATE JUDGE