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UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

FRANCISCO SIERRA,  
Plaintiff,  
v.  
J. CASTELLANOS,  
Defendant.

Case No. 1:17-cv-01691-ADA-EPG (PC)  
ORDER RE: SECOND MOTION FOR \$1,500  
SETTLEMENT  
(ECF No. 108)

Plaintiff Francisco Sierra, a state inmate proceeding *pro se* and *in forma pauperis*, filed this civil rights action on December 15, 2017. After the parties filed a stipulation of dismissal under Federal Rule of Civil Procedure 41(a)(1)(A)(ii), the Court closed the case on January 30, 2023. (ECF Nos. 104, 105).

On February 7, 2023, Plaintiff filed a motion for \$1500 settlement, which the Court construed as alleging that Plaintiff expected to be paid \$1500 immediately following his settlement agreement but he has not yet been paid. (ECF No. 106). The Court issued an order on February 9, 2023, advising Plaintiff that settlement agreements involving the CDCR regularly provide for a delay between the finalization of the agreement and the issuance of the payment, and such was likely the situation here. (ECF No. 107). Thus, the Court denied the motion without prejudice to Plaintiff refiling his motion, along with evidence regarding the

1 timing of the payment, should he believe that Defendant has not paid the settlement money  
2 within the time provided in his settlement agreement.

3 This matter is now before the Court on Plaintiff's second motion for \$1500 settlement.  
4 (ECF No. 108). Plaintiff states that he was only provided one copy of the settlement agreement,  
5 which he filled out promptly and sent to defense counsel. He states that he reached the  
6 settlement for \$1500 at the January 13, 2023 pretrial conference, which was on the record.  
7 Plaintiff makes no specific request for relief, but the Court assumes that Plaintiff wants the  
8 Court to order Defendant to pay him \$1500 immediately. The Court will deny Plaintiff's  
9 second motion for \$1500 without prejudice.

10 Plaintiff still has not submitted any evidence about a specific agreement to pay him by a  
11 certain date. The Court suggests that Plaintiff contact defense counsel to try to obtain a copy of  
12 his settlement agreement, which he can then submit to the Court if he believes he has not been  
13 timely paid. As to the pretrial conference, the record does not show that Defendant agreed to  
14 pay Plaintiff \$1500 by any specific date. Rather, the parties were to further discuss settlement  
15 among themselves and advise the Court of the outcome of their discussions by February 1,  
16 2023. (ECF No. 103).

17 Accordingly, IT IS ORDERED as follows:

- 18 1. Plaintiff's second motion for \$1500 settlement (ECF No. 108) is denied without  
19 prejudice to the extent that Plaintiff requests relief regarding his settlement agreement.
- 20 2. Plaintiff may refile his motion if he believes that he has not been paid within the time  
21 period provided under his settlement agreement. However, any such motion must  
22 include a copy of the settlement or other evidence regarding the specific timing of the  
23 payment.

24  
25 IT IS SO ORDERED.

26 Dated: February 22, 2023

27 /s/ Eric P. Groj  
28 UNITED STATES MAGISTRATE JUDGE