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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

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

Case No. 1:17-cv-01691-ADA-EPG (PC)

ORDER REGARDING MOTION FOR
EMERGENCY NOTE

(ECF No. 97)

Plaintiff Francisco Sierra is a state inmate proceeding *pro se* and *in forma pauperis* in this civil rights action. Following the District Judge’s decision adopting this Court’s findings and recommendations, this case now proceeds on Plaintiff’s cruel-and-unusual-punishment claim against Defendant Castellanos, with a pretrial conference set for January 9, 2023, at 1:30 p.m. before the assigned District Judge. (ECF No. 70, 96).

This matter is now before the Court on Plaintiff’s “motion for emergency note.” (ECF No. 97). The motion states that Plaintiff “had previously wrote [about] freezing settlement arrangements with CDCR due to recently having been . . . made aware” of events. (*Id.* at 1). Specifically, Plaintiff states that CDCR has “set [him] up 100%.” He contends that CDCR officials have been sharing confidential information about him with other inmates. He does not “know what exactly happen[ed]” but “a few inmates started sucker punching [him].” He states that he is providing this information “in case something happens.”

1 As to Plaintiff's statement that he had previously written about "freezing settlement
2 arrangements," the Court is unaware of any such filing but will require a response from
3 Defendant. This statement suggests that Plaintiff has reached a settlement with Defendant, or at
4 least seriously engaged in settlement discussions. As the Court noted in its last order, Plaintiff had
5 made an offer to settle this case, and the Court directed the parties to notify the Court, as required
6 by Local Rule 160, if they were able to settle the case. (ECF No. 96).

7 As to the circumstances regarding Plaintiff allegedly being set up by CDCR, the Court
8 notes that Plaintiff makes no request for relief as required for any motion filed with the Court
9 under Federal Rule of Civil Procedure 7(b)(1)(C), but instead appears to be offering this
10 information to create a record should something happen to him. Accordingly, the Court will take
11 no action.

12 Based on the above, IT IS ORDERED as follows:

- 13 1. The Clerk of Court is directed to terminate as pending Plaintiff's motion for emergency
14 note. (ECF No. 97).
- 15 2. By no later December 29, 2022, Defendant shall file a notice advising the Court of the
16 status, if any, of settlement negotiations between the parties.

17 IT IS SO ORDERED.

18 Dated: December 22, 2022

19 /s/ Eric P. Gray
20 UNITED STATES MAGISTRATE JUDGE