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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

CHRISTOPHER LIPSEY, JR.,
Plaintiff,
v.
DAVEY, *et al.*,
Defendants.

1:17-cv-01706-DAD-SAB (PC)

ORDER REQUIRING DEFENDANT
RANDOLPH TO RESPOND TO
PLAINTIFF’S MOTION TO ENFORCE
SETTLEMENT AGREEMENT

(ECF No. 56)

TWENTY-ONE (21) DAY DEADLINE

Plaintiff Christopher Lipsey, Jr. (“Plaintiff”) is a state prisoner who proceeded *pro se* and *in forma pauperis* in this civil rights action pursuant to 42 U.S.C. § 1983.

On July 12, 2019, a settlement conference was held before the undersigned. The terms and conditions of the settlement agreement were placed on the record and the Court retained jurisdiction to enforce the settlement. (ECF No. 49.)

On July 24, 2019, the parties filed a stipulation to dismiss this action with prejudice pursuant to Federal Rule of Civil Procedure 41(a)(1)(A)(ii), (ECF No. 51), and the action was terminated by operation of law, (ECF No. 52).

Currently before the Court is Plaintiff’s “Motion for Civil or Economic Penalties/Fines for Breach of Contract/Settlement or Equitable Relief,” filed March 18, 2020. (ECF No. 56.) In his motion, Plaintiff states that as of March 9, 2020, he has not received payment pursuant to the

1 settlement agreement, and therefore seeks an order for Defendant to pay Plaintiff the agreed upon
2 amount, as well as additional relief such as default judgment and/or additional monetary
3 sanctions. (Id.) The Court construes Plaintiff's motion as a motion to enforce the settlement
4 agreement.

5 The Court finds it appropriate to obtain a response from Defendant Randolph regarding
6 the motion. Accordingly, Defendant Randolph shall file a response to Plaintiff's motion, (ECF
7 No. 56), within **twenty-one (21) days** from the date of this order. Plaintiff's reply, if any, is due
8 within **seven (7) days** from the date of service of Defendant Randolph's response.

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10 IT IS SO ORDERED.

11 Dated: March 19, 2020

/s/ Barbara A. McAuliffe
UNITED STATES MAGISTRATE JUDGE

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