1 2 3 4 5 6 7 8 UNITED STATES DISTRICT COURT 9 EASTERN DISTRICT OF CALIFORNIA 10 11 Case No.: 1:22-cv-01133-JLT-HBK H.G., by and through his Guardian ad Litem) Yubiel Magana, 12 ORDER ADOPTING THE FINDINGS AND RECOMMENDATIONS GRANTING Plaintiff, APPROVAL OF THE MINOR'S COMPROMISE 13 v. (Docs. 27, 31) 14 UNITED STATES OF AMERICA, 15 Defendant. 16 17 On July 6, 2023, the parties engaged in a settlement conference with Magistrate Judge 18 Dennis M. Cota, and the parties reached a settlement. (Docs. 24.). On August 3, 2023, Plaintiff 19 H.G., by and through his guardian ad litem, filed a petition for approval of minor's compromise 20 from the gross settlement. (Doc. 27.). The assigned magistrate judge ordered petitioner to 21 supplement the petition pursuant to Local Rule 202(b)(2), and the supplement was filed on 22 September 18, 2023. (Docs. 29-30.) Defendant filed no response to the initial or supplemented 23 petition. 24 On November 6, 2023, the assigned magistrate judge found the minor's compromise – 25 including the payment of attorney fees from the portion of the settlement designated for H.G. – 26 was "fair and reasonable in light of the facts of the case, the specific claim, and recoveries in 27 similar cases." (Doc. 31 at 6.) Therefore, the magistrate judge recommended the motion for

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approval of the minor's compromise be approved. (Doc. 31.) In addition, the magistrate judge recommended the minor's net compensation be assigned as follows: (1) an annuity be purchased in the amount of \$30,000.00 for the benefit of the minor, (2) \$1,000.00 be released to guardian ad litem and H.G.'s mother Yubiel Magana, and (3) \$8,825.83 be placed in a blocked account where it cannot be withdrawn until H.G.'s eighteenth birthday.

The Court served the Findings and Recommendations on all parties and notified them that any objections thereto were to be filed within 14 days after service. (*Id.*) To date, neither party has filed objections, and the deadline for doing so has passed. According to 28 U.S.C. § 636 (b)(1)(C), the Court has conducted a *de novo* review of the case. Having carefully reviewed the entire file, the Court concludes that the magistrate judge's Findings and Recommendations are supported by the record and proper analysis. Thus, the Court **ORDERS**:

- 1. The Findings and Recommendations issued on November 6, 2023, (Doc. 31), are **ADOPTED** in full.
- 2. The petition for approval of minor's compromise (Doc. 27) is **GRANTED**.
- 3. An annuity **SHALL** be purchased from JMW Settlements LLC in the amount of \$30,000.00 from the minor's net compensation for the benefit of the minor, which will yield a total payout of \$48,000.00 over a 3-year period when the minor turns 19.
- 4. \$1,000.00 of the minor's net compensation **SHALL** be released to guardian ad litem and H.G.'s mother Yubiel Magana to obtain a residence.
- 5. \$8,825.83 of the minor's net compensation **SHALL** be placed in a blocked account at Noble Credit Union in Fresno, California where it cannot be withdrawn until H.G.'s eighteenth birthday or otherwise ordered by the Court.

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1	6. The parties SHALL file a stipulation for dismissal of the action with prejudice				
2		pursuant to Rule 41 of the	e Federal Rules	of Civil Procedure within	1 45 days of the
3		date of service of this orde	er.		
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6	Dated:	November 21, 2023		UNITED STATES DIST	NY M
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