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IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

JEFFERY BROADWAY,

Plaintiff,

No. CIV S-06-1482 MCE KJM P

vs.

T. FELKER, et al.,

Defendants.

FINDINGS AND RECOMMENDATIONS

On June 3, 2009, the parties filed a stipulation for voluntary dismissal with prejudice under Federal Rule of Civil Procedure 41(a)(1)(A)(ii) and on June 19, 2009, the court dismissed the action with prejudice in accordance with the stipulation.

Plaintiff has now filed three requests for enforcement of the settlement agreement that prompted the stipulated dismissal. Docket Nos. 120, 121, 123. He alleges that the defendants have breached the agreement by not transmitting the entire sum contemplated by the agreement and that his requests that defendants' counsel rectify the situation have gone unanswered.

The undersigned did not serve as the settlement judge in this matter. The settlement judge has been advised of plaintiff's filings and has not seen fit to take any action in response. This court did not retain jurisdiction over the settlement agreement nor were any terms

1 of the agreement incorporated into the order of dismissal. Therefore, this court has no  
2 jurisdiction over plaintiff's request for enforcement. Kokkonen v. Guardian Life Insurance  
3 Company Of America, 511 U.S. 375, 380-81 (1994).

4 IT IS THEREFORE RECOMMENDED that plaintiff's requests for enforcement  
5 of the settlement agreement (docket nos. 120, 121, 123) be denied.

6 These findings and recommendations are submitted to the United States District  
7 Judge assigned to the case, pursuant to the provisions of 28 U.S.C. § 636(b)(1). Within twenty-  
8 one days after being served with these findings and recommendations, any party may file written  
9 objections with the court and serve a copy on all parties. Such a document should be captioned  
10 "Objections to Magistrate Judge's Findings and Recommendations." Any reply to the objections  
11 shall be served and filed within fourteen days after service of the objections. The parties are  
12 advised that failure to file objections within the specified time may waive the right to appeal the  
13 District Court's order. Martinez v. Ylst, 951 F.2d 1153 (9th Cir. 1991).

14 DATED: September 27, 2010.

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16 U.S. MAGISTRATE JUDGE

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