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

DESMOND LOEB,

Plaintiff,

No. CIV S-07-0139 GEB EFB P

vs.

AUDETTE, et al.,

Defendants.

ORDER

_____ /

On October 1, 2010, the parties notified the court that they had reached a settlement of all claims. Dckt. No. 36. On February 10, 2011, the parties filed a stipulation of dismissal pursuant to Rule 41(a)(1)(A)(ii) of the Federal Rules of Civil Procedure. Dckt. No. 42. On February 17, 2011, the court directed the Clerk to close this case pursuant to the parties' stipulation of dismissal. Dckt. No. 43.

On February 16, 2011, plaintiff filed a motion regarding enforcement of the terms of the settlement agreement, and also raising new, unrelated claims of alleged deliberate indifference to his medical needs. Dckt. No. 44. Plaintiff's motion must be denied.

If plaintiff wishes to pursue any new claims, he must first exhaust those claims through available administrative procedures at his place of confinement, and then commence a new civil rights action by filing a new civil rights complaint. To the extent plaintiff wishes to enforce the

1 terms of the settlement agreement, the court lacks subject matter jurisdiction. *Kokkonen v.*
2 *Guardian Life Ins. Co. of Am.*, 511 U.S. 375, 381-82 (1994) (unless dismissal order indicates
3 otherwise or there is an independent basis for federal jurisdiction, enforcement of settlement
4 agreement is a breach of contract action for decision by state courts).

5 Accordingly, IT IS HEREBY ORDERED that plaintiff's February 16, 2011 motion is
6 denied. The court notes that it will issue no response to future filings by plaintiff in this action
7 not authorized by the Federal Rules of Civil Procedure or Federal Rules of Appellate Procedure.

8 Dated: March 8, 2011.

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10 EDMUND F. BRENNAN
11 UNITED STATES MAGISTRATE JUDGE
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