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

10 ABEL CANO,

11 Plaintiff,

No. CIV S-07-2203 JAM GGH P

12 vs.

13 B. NAKU, et al.,

14 Defendants.

ORDER

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16 Having reviewed the responses by both parties to the order, filed on December 23,  
17 2010, the court is unable to determine whether plaintiff is willing to engage in further settlement  
18 negotiations, proposed as an alternative by the defendant to his request that the initial settlement  
19 be enforced.<sup>1</sup> In order for another settlement conference to be scheduled, plaintiff must be aware  
20 that should further negotiations result in an agreement to settle, the settlement will be binding as  
21 of the date when it is agreed to by both parties. Plaintiff will not be permitted to wait to see if  
22 terms are complied with to his satisfaction, and whether or not plaintiff signs any such agreement  
23 will not be dispositive. Rather, an oral agreement at the settlement conference to new terms and  
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25 <sup>1</sup> No party has made a formal motion to enforce the settlement. It is not enough for  
26 defendant to ask the court to enforce the settlement as part of his response to the court's order,  
particularly when defendant makes an admission that at least one of the terms has not been  
complied with by defendant.

1 conditions will be sufficient. The parties may, of course, agree that this court will retain  
2 jurisdiction for a limited period to mediate any dispute as to the terms or conditions of any future  
3 settlement. If plaintiff does not agree to another settlement conference, this matter will be re-set  
4 for trial.

5 Accordingly, IT IS ORDERED that:

6 1. Plaintiff is to inform the court within fourteen days whether or not he would be  
7 amenable to another settlement conference; and

8 2. Failure of plaintiff to agree to another settlement conference will result in this  
9 matter being re-set for trial.

10 DATED: February 7, 2011

11 /s/ Gregory G. Hollows

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13 GREGORY G. HOLLOWS  
UNITED STATES MAGISTRATE JUDGE

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