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

JOWELL FINLEY,

Plaintiff,

No. CIV S-07-2344 KJM EFB P

vs.

R.L. GRIGGS, et al.,

Defendants.

ORDER

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On April 8, 2011, the court issued an order memorializing that this case had been settled. The court ordered that dispositional documents be filed not later than August 10, 2011, and explained that failure to comply with the order would constitute grounds for the imposition of sanctions. Dckt. No. 97. Defendants have not timely filed the dispositional documents.

Plaintiff has filed several motions and letters claiming that he has not been paid the agreed-upon settlement. *See* Dckt. Nos. 98 (motion for order for payment of settlement); 99 (withdrawal of 98); 101 (motion for order shortening time to make payment); 102 (request for entry of default); 106 (motion for default judgment); 107 (motion for default judgment); 108 (request for entry of default); 111 (motion for order directing defendants to pay settlement funds); 112 (notice regarding payment of settlement). Most recently, plaintiff claims that he has not received any payment; that defendants' counsel has not returned his phone calls and letters;

1 that defendants' counsel told plaintiff's sister that the settlement was paid on August 9, 2011, but
2 the prison has no record of receiving the payment; and plaintiff has not received any proof that
3 the payment was made. Dckt. No. 112. Plaintiff attaches a copy of his prison trust statement
4 showing a zero balance. *Id.* at 4.

5 Defendants' attorney filed a declaration on August 17, 2011, stating "I am informed that
6 . . . [CDCR] paid the full settlement amount of \$1,650.00 into Plaintiff's prison trust account on
7 August 9, 2011. I will be filing the 'Stipulated Dismissal with Prejudice and Order' promptly."
8 Dckt. No. 104 at 2.

9 Notwithstanding counsel's tardy statement that he would be filing the required
10 documents "promptly," defendants are in violation of the court's April 8 order, which provided
11 that dispositional documents be filed not later than August 10, 2011.

12 Accordingly, it is hereby ORDERED within 7 days of the date of this order, defendants
13 shall show cause why they should not be sanctioned for their violation of the April 8 order.
14 Defendants shall also explain whether plaintiff has been paid the agreed-upon settlement
15 amount, and shall provide evidence to support the facts alleged in their filing.

16 Dated: September 15, 2011.

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18 EDMUND F. BRENNAN
19 UNITED STATES MAGISTRATE JUDGE
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