

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

MICHAEL A. HUNT,
Plaintiff,
v.
D. FIELDS,
Defendant.

No. 2:09-cv-03525-KJM-AC

ORDER

Plaintiff Michael Hunt’s petition seeking an order directing defendant D. Fields to convey the remainder of the judgment is currently pending before the court. ECF No. 130; *see also* ECF No. 131 (letter from plaintiff seeking assistance from the court).

Plaintiff Michael Hunt filed a civil rights action on December 11, 2009 against defendant Fields alleging violations of plaintiff’s First Amendment rights to file inmate grievances and pursue civil litigation. ECF No. 1. The court presided over a trial from January 28 to 30, 2014. Plaintiff received a judgment in his favor, and was awarded \$1,000. ECF No. 120. On February 20, 2014, he filed a “Bill of Costs” for \$400.00 to account for other expenses to which he was entitled. ECF No. 122. On June 24, 2014, the Clerk of the Court issued a notice that the costs of \$400.00 against defendant Fields are included in the judgment. ECF No. 129.

Plaintiff is still incarcerated, and on July 17, 2014, a check for the judgment was deposited in his Inmate Trust Account. ECF No. 130. The amount did not include the \$400. *Id.*

1 Plaintiff seeks a writ of execution of the money judgment for the remaining \$400. Defendant has
2 not opposed the motion.

3 Rule 69(a) governs the procedure that applies to the enforcement of a money
4 judgment in federal court. *Carnes v. Zamani*, 488 F.3d 1057, 1059-60 (9th Cir. 2007); *Hilao v.*
5 *Estate of Marcos*, 95 F.3d 848, 851 (9th Cir. 1996) (Rule 69(a) “governs execution proceedings in
6 federal courts.”). Rule 69(a) provides that “[a] money judgment is enforced by a writ of
7 execution, unless the court directs otherwise.” FED. R. CIV. P. 69(a).

8 In *Hilao*, the court held that the proper means to enforce a money judgment is to
9 seek a writ of execution. Rule 69(a) “essentially limits a district court's mechanism for
10 enforcement of a money judgment to a writ of execution . . .” *Hilao*, 95 F.3d at 856.

11 As Fields has filed no opposition, the court finds no reason not to grant the motion.

12 For the reasons set forth above, IT IS HEREBY ORDERED that plaintiff Hunt is
13 granted a writ of execution against defendant Fields for the unpaid balance, \$400, of the judgment
14 entered on January 30, 2014, including the bill of costs entered on June 24, 2014. The Clerk’s
15 Office is directed to send to plaintiff a Form EJ-130. In order to effectuate the writ, the plaintiff
16 is directed to complete the form and return it to the Clerk’s Office for filing.

17 IT IS SO ORDERED.

18 Dated: January 5, 2015.

19
20 
21 _____
22 UNITED STATES DISTRICT JUDGE
23
24
25
26
27
28