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1 2 3 4 5 6 7 8 UNITED STATES DISTRICT COURT 9 FOR THE EASTERN DISTRICT OF CALIFORNIA 10 11 JON CHRIST, No. 2:10-cv-0760-EFB P 12 Plaintiff, 13 **ORDER** v. 14 R. BLACKWELL, et al., 15 Defendants. 16 17 Plaintiff is a state prisoner who proceeded without counsel in this action brought under 42 U.S.C. § 1983. The parties settled all remaining claims in the case on January 5, 2017. ECF No. 18 19 213. The case was thereafter closed. ECF No. 215. Plaintiff then filed a "statement" objecting 20 that \$47.62 was withheld from the settlement disbursement. ECF No. 216. Defendant responded 21 that this amount was withheld as an "administrative processing fee" at some point before CDCR's 22 Inmate Accounting Branch received the settlement check. ECF No. 218. Defendant's response 23 did not explain who charged the fee or why. Thus, there was inadequate information from which 24 the court could determine whether it was properly withheld. Accordingly, the court directed 25 defense counsel to inquire what entity or person charged the administrative processing fee and 26 under what authority the fee was charged. 27

¹ The parties consented to have the case heard by a magistrate judge. ECF Nos. 4, 14, 134.

Defendant has submitted his further response. ECF No. 220. That response informs the court that the fee was deducted pursuant to California Penal Code § 2085.8(c)(1), which provides: "The secretary shall deduct and retain from any prisoner or parolee settlement or trial award an administrative fee that totals 5 percent of any amount paid from the settlement or award to satisfy an outstanding restitution order or fine, unless prohibited by federal law." Thus, the \$47.62 was deducted from plaintiff's settlement in accordance with state law to help fund the administration of the state's restitution program (*see* Cal. Pen. Code § 2085.8(c)(3)). Plaintiff has not shown that this fee was not lawfully deducted. Accordingly, plaintiff has not demonstrated that the defendant has not complied with the settlement and plaintiff's request for the court's intervention (ECF No. 216) is hereby denied.

So ordered.

DATED: September 21, 2017.

EĎMUND F. BRĚNNAN

UNITED STATES MAGISTRATE JUDGE