



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

11 So ordered.

12 DATED: September 21, 2017.

13   
14 EDMUND F. BRENNAN  
15 UNITED STATES MAGISTRATE JUDGE  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28