

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  
FOR THE EASTERN DISTRICT OF CALIFORNIA

ANTHONY R. TURNER,  
Plaintiff,  
v.  
WARDEN SALINAS, et al.,  
Defendants.

No. 2: 10-cv-1848 MCE KJN P

ORDER

Plaintiff is a state prisoner, proceeding through counsel, with a civil rights action pursuant to 42 U.S.C. § 1983. On September 4, 2014, this action was dismissed pursuant to stipulation by the parties. In the stipulation, the parties stated that they had reached a negotiated settlement.

On September 29, 2014, plaintiff himself filed a pleading titled “motion for levy against settlement agreement.” (ECF No. 177.) Plaintiff requests that the court “preserve” his right to appeal any illegal or unethical fraud, theft, embezzlement, etc., that defendant may engage in with regard to the settlement. Plaintiff also alleges that following his transfer to Salinas Valley State Prison (“SVSP”), he was assaulted by a prison guard and his visits with his family have been illegally restricted. Plaintiff also alleges that his legal mail has been tampered with.<sup>1</sup>

<sup>1</sup> On October 9, 2014, defendant filed an opposition to plaintiff’s September 29, 2014 motion. (ECF No. 17.) In relevant part, defendant states that settlement documents were not finalized and received by defendant until August 27, 2014. Defendant states that the settlement agreement included a statement that the California Department of Corrections and Rehabilitation (“CDCR”)

1           Because plaintiff is represented by counsel, he may communicate with the court only  
2 through his counsel.

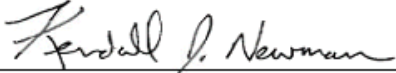
3           Accordingly, IT IS HEREBY ORDERED that:

4           1. Within fourteen days of the date of this order, plaintiff's counsel shall inform the court  
5 whether plaintiff's September 29, 2014 "motion for levy of settlement agreement" may be  
6 disregarded or whether counsel intends to file additional briefing in support of plaintiff's motion;

7           2. The Clerk of the Court is directed to serve a copy of this order on plaintiff Anthony  
8 Turner, CDCR # G27511, Salinas Valley State Prison, P.O. Box 1050, Soledad, California,  
9 93960.

10          Dated: October 16, 2014

11  
12          Tur1848.ord

  
KENDALL J. NEWMAN  
UNITED STATES MAGISTRATE JUDGE

13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25          would make a good-faith effort to pay the settlement within 180 days of plaintiff delivering to  
26 defendant the settlement documents. Defendant states that barely a month has passed since those  
27 documents were returned to defendant and CDCR is still processing plaintiff's settlement  
28 payment. Defendants also correctly observe that plaintiff is free to pursue a separate legal action  
regarding his claims that prison officials at SVSP are violating his constitutional rights as these  
claims are unrelated to the instant action.