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UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

ROBERT JIMENEZ,  
  
  Plaintiff,  
  
  v.  
  
J. WHITFIELD, et al,  
  
  Defendant.

No. 2:10-02943-KJM-KJN  
  
ORDER

This matter is before the court on the parties’ joint motion to vacate the judgments previously entered against plaintiff Robert Jimenez, and in favor of defendants Bond, Grannis, Melgoza, Sequira, Singh, Sisto and Whitfield, and to modify the orders upon which these judgments were based. ECF No. 88. The parties seek this relief in order to give effect to a settlement of Mr. Jimenez’s appeal of those judgments and orders, and to allow Mr. Jimenez’s claims to continue before the district court.

Having reviewed the parties’ Joint Motion to Vacate Judgments and Modify Dispositive Orders, and the exhibits thereto, the court orders:

- 1. This court’s March 28, 2013 Judgment (ECF No. 80) is VACATED.
- 2. The March 28, 2013 Order (ECF No. 79) is MODIFIED as follows:
  - a. Defendant Whitfield’s Motion for Summary Judgment (ECF. No. 60) is DENIED; and

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b. The November 27, 2012 Findings & Recommendation (ECF. No. 77) are not adopted to the extent that they are inconsistent with the preceding paragraph.

3. The April 20, 2012 Judgment (ECF. No. 54) is VACATED.

4. The March 20, 2012 Order (ECF. No. 51) is MODIFIED as follows:

a. Defendants' Motion for Judgment on the Pleadings (ECF. No. 37) is DENIED as to plaintiff's claim that his rights under the Due Process Clause were violated when he was validated as a gang member in the absence of sufficient evidence; and

b. The January 25, 2012 Order and Findings & Recommendation (ECF. No. 49) are not adopted to the extent that they are inconsistent with the preceding paragraphs.

5. Plaintiff may submit a Second Amended Complaint within 45 days of entry of this Order, for the purpose of pleading additional facts to support his claim that Defendants violated his Eighth Amendment rights.

IT IS SO ORDERED.

DATED: November 12, 2014.

  
UNITED STATES DISTRICT JUDGE