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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

TIMOTHY O’KEEFE,
Plaintiff,
v.
JERRY BROWN, et al.,
Defendants.

No. 2: 11-cv-2659 KJM KJN P

ORDER

Plaintiff is a state prisoner, proceeding without counsel, with a civil rights action pursuant to 42 U.S.C. § 1983. On September 11, 2018, this action settled following a settlement conference. On September 19, 2018, the parties filed a stipulation to voluntarily dismiss this action. (ECF No. 323.)

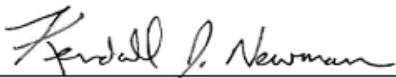
On March 11, 2019, plaintiff filed a letter with the court stating that on January 25, 2019, two checks from the settlement, for \$1050 and \$3950, were deposited in his inmate trust account. Plaintiff states that later that day, \$1050 was “taken” from his account. Plaintiff states that he was later informed that the \$1050 taken from his account on January 25, 2019 was applied toward his restitution.

In the March 11, 2019 letter, plaintiff states that many years ago his father paid his \$5000 restitution. For this reason, plaintiff alleges that \$1050 should not have been taken from his trust account and applied toward his restitution. Attached to plaintiff’s March 11, 2019 letter is an

1 “Inmate Statement Report” dated June 8, 2018. (ECF No. 328 at 3.) This document states that
2 plaintiff’s restitution fine of \$5000 is fulfilled. (Id.) Plaintiff has also attached a document
3 containing a note by a prison official stating that on January 25, 2019, \$1050 was taken from his
4 trust account and applied toward his restitution. (Id. at 2.)

5 Accordingly, IT IS HEREBY ordered that within fifteen days of the date of this order,
6 counsel for defendants shall file a response to plaintiff’s claim that \$1050 of the money he
7 received from the settlement was improperly removed from his trust account and applied toward
8 his restitution; defendants shall provide relevant documentation in support of their briefing.

9 Dated: March 20, 2019

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11 _____
12 KENDALL J. NEWMAN
13 UNITED STATES MAGISTRATE JUDGE

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