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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

KEVIN MOORE,
Plaintiff,
v.
PRICE, et al.,
Defendant.

No. 2:14-cv-01232 TLN DB P

ORDER

Plaintiff, a state prisoner proceeding pro se, with a civil rights action pursuant to 42 U.S.C. § 1983. On March 8, 2018, Magistrate Judge Craig M. Kellison conducted a settlement conference for both this action and Moore v. Tesluk, 2:16-cv-2268-TLN-KJN-P. (ECF No. 73.) During this settlement conference, the parties settled both actions. (Id.)

On December 20, 2021, Plaintiff filed a motion to recall the present case for defendant’s alleged failure to abide by the settlement agreement. (ECF No. 77.) Plaintiff claims that defendants breached the settlement agreement by denying plaintiff’s parole and filing fabricated charges against the plaintiff to prevent him from receiving parole. (Id. at 2.)


The court has reviewed the recordings of the March 8, 2018 hearing before Magistrate Judge Kellison. During this hearing, the terms of the settlement agreements in both cases were read on the record. Magistrate Judge Kellison stated that the present action was resolved for a monetary amount and an agreement that Magistrate Judge Kellison would “transmit a letter to the

1 board of parole” supporting plaintiff’s upcoming parole suitability hearing. Plaintiff agreed to
2 these terms on the record. Plaintiff has also attached the letter written by Magistrate Judge
3 Kellison to his motion. (ECF No. 77 at 7-8.) Plaintiff’s other case, 2:16-cv-2268-TLN-KJN-P,
4 was settled for solely a monetary amount.

5 The terms read by Magistrate Judge Kellison do not contain an agreement by defendants
6 to not deny, oppose, or otherwise interfere with plaintiff’s parole. As such, the undersigned finds
7 plaintiff’s motion to recall this case for failure to abide by the settlement agreement to be without
8 merit.

9 Accordingly, IT IS HEREBY ORDERED that plaintiff’s motion to recall this case for
10 failure to abide with the settlement agreement (ECF No. 77) is denied.

11 Dated: March 30, 2022

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14 DEBORAH BARNES
15 UNITED STATES MAGISTRATE JUDGE
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