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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

ROLAND THOMAS KOCH,
Plaintiff,
v.
SACRAMENTO COUNTY, et al.,
Defendants.

No. 2:15-cv-0739 JAM CKD P

FINDINGS AND RECOMMENDATIONS

On September 1, 2016, plaintiff and the only remaining defendant, Sacramento County Sheriff Scott Jones sued in his official capacity, filed a stipulation of dismissal pursuant to Rule 41(a)(1)(A)(ii) of the Federal Rules of Civil Procedure. The court was informed that the parties had reached a settlement agreement, but terms of settlement were not disclosed.


On June 19, 2019, plaintiff filed a motion asking that “the court review and intercede in enforcing the settlement agreement reached.” As the court was never made aware of the terms of settlement and was never asked to retain jurisdiction over the settlement agreement before the stipulation of dismissal was entered, the court does not have the authority to enter the order sought. See Kokkonen v. Guardian Life Ins. Co. of America, 511 U.S. 375, 381-82 (1994) (court does not have authority to attach conditions to a parties’ stipulation of dismissal). Enforcement of the agreement is a matter of California contract law over which this court does not, by itself, have jurisdiction. See id.

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In accordance with the above, IT IS HEREBY RECOMMENDED that plaintiff's June 19, 2019 motion to enforce the terms of a settlement agreement be denied.

These findings and recommendations are submitted to the United States District Judge assigned to the case, pursuant to the provisions of 28 U.S.C. § 636(b)(1). Within fourteen days after being served with these findings and recommendations, any party may file written objections with the court and serve a copy on all parties. Such a document should be captioned "Objections to Magistrate Judge's Findings and Recommendations." Any response to the objections shall be served and filed within fourteen days after service of the objections. The parties are advised that failure to file objections within the specified time may waive the right to appeal the District Court's order. Martinez v. Ylst, 951 F.2d 1153 (9th Cir. 1991).

Dated: December 2, 2019



CAROLYN K. DELANEY
UNITED STATES MAGISTRATE JUDGE

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