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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

MICHAEL J. HICKS,
Plaintiff,
v.
AFSHIN ARYA, et al.,
Defendants.

No. 2: 16-cv-2465 TLN 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 10, 2019, the parties entered into a settlement agreement in the instant action and Hicks v. Robles, 1:18-cv-1481 AWI EPG (E.D. Cal.).¹

After the settlement agreement was reached, plaintiff filed motions in both actions to withdraw from the settlement and to reopen the actions. In the instant action, plaintiff filed a request to rescind the settlement and reopen the action on May 1, 2020. (ECF No. 133.)

On October 2, 2020, the undersigned conducted a further settlement conference. The instant action, 1:18-cv-1481 AWI EPG (E.D. Cal.) and the following actions were settled: Hicks v. Davis, 2:19-cv-2424 MCE CKD P; Hicks v. Gamboa, 3:19-cv-3010 (N.D. Cal.); Hicks v. Bien, 3:19-cv-1137 CRB (N.D. Cal.); and Hicks v. Diaz, 3:20-cv-0217 CAB BLM (S.D. Cal.). The

¹ It is not clear whether any of the other actions listed below were also settled on September 10, 2019.

1 undersigned ordered the parties to file dispositional documents within thirty days in each case.
2 (ECF No. 131.)

3 Thirty days passed from October 2, 2020 and no dispositional documents were filed in
4 case 1:18-cv-1481 AWI EPG. On November 3, 2020, in case 1:18-cv-1481, Magistrate Judge
5 Grosjean ordered the parties to file dispositional documents or a motion for an extension of time
6 on or before November 6, 2020. (See 1:18-cv-1481, ECF No. 135.)

7 On November 6, 2020 defendants filed a stipulation to withdraw all pending motions in
8 1:18-cv-1481. (See 1:18-cv-1481, ECF No. 137.) Defendants stated that based on plaintiff's
9 withdrawal of his pending motions, the September 10, 2019 stipulation for voluntary dismissal
10 filed in 1:18-cv-1481 would remain in effect. (Id.) Defendants stated that they understood that
11 no further dispositional documents would be required. (Id.) Should the court disagree,
12 defendants requested an additional fourteen days to complete another stipulation for voluntary
13 dismissal in 1:18-cv-1481. (Id.)

14 On November 6, 2020, Magistrate Judge Grosjean signed the stipulation submitted by
15 defendants to withdraw all pending motions in 1:18-cv-1481. (See 1:18-cv-1481, ECF No. 138.)

16 Defendants did not file a stipulation to withdraw plaintiff's pending motion to vacate the
17 previous settlement and reopen this action filed in the instant action on May 1, 2020.

18 Accordingly, within fourteen days of the date of this order, defendants shall file a stipulation to
19 withdraw plaintiff's May 1, 2020 motion to vacate the previous settlement and reopen this action.

20 Pursuant to the October 2, 2020 settlement agreement, defendants filed a stipulation of
21 dismissal in Hicks v. Davis, 2: 19-cv-2424 MCE CKD P. Accordingly, within fourteen days of
22 the date of this order, defendants shall coordinate with plaintiff to take all necessary steps and
23 then notify the undersigned whether they have filed appropriate dispositional documents in the
24 other actions settled on October 2, 2020, i.e., Hicks v. Gamboa, 3:19-cv-3010 (N.D. Cal.); Hicks
25 v. Bien, 3:19-cv-1137 (N.D. Cal.); and Hicks v. Diaz, 3:20-cv-0217 CAB BLM (S.D. Cal.) (as
26 well as any other cases that were part of the global settlement herein).

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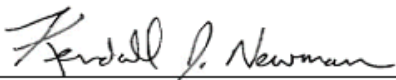
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Accordingly, IT IS HEREBY ORDERED that:

1. Within fourteen days of the date of this order, defendants shall file a stipulation to withdraw plaintiff's pending motion to vacate the previous settlement and reopen this action filed on May 1, 2020;
2. Within fourteen days of the date of this order, defendants shall inform the undersigned whether they filed appropriate dispositional documents in Hicks v. Gamboa, 3:19-cv-3010 (N.D. Cal.); Hicks v. Bien, 3:19-cv-1137 (N.D. Cal.); Hicks v. Diaz, 3:20-cv-0217 CAB BLM (S.D. Cal.); and any other cases that were part of the global settlement herein.

Dated: November 10, 2020


KENDALL J. NEWMAN
UNITED STATES MAGISTRATE JUDGE

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