

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

WILLIAM HOUSTON,
Plaintiff,
v.
L. ELDRIDGE, et al.,
Defendants.

No. 2:16-cv-2561 WBS KJN P

ORDER

Plaintiff is a state, proceeding through counsel, with a civil rights action pursuant to 42 U.S.C. § 1983. The parties voluntarily dismissed this action following a settlement agreement. (ECF No. 152.)

On April 14, 2022, plaintiff filed a motion to compel his counsel, Mr. McComas, to release the settlement money to plaintiff via Touchpay.com. (ECF No. 167.) On April 28, 2022, the undersigned ordered Mr. McComas to file a status report addressing plaintiff’s access to the settlement money and whether Mr. McComas received the check for five percent interest. (ECF No. 169.)

On May 6, 2022, Mr. McComas filed a response to the April 28, 2022 order. (ECF No. 170-1.) Mr. McComas states that on April 14, 2022, he received the third and final payment of the settlement funds, including the check for five percent interest. (Id. at 1.) Plaintiff was timely informed of the receipt of funds. (Id.)


1 Mr. McComas states that on April 28, 2022, his office received confirmation that plaintiff
2 agreed to terms of dispersal of funds to his loan officer. (Id.) On April 29, 2022, the funds were
3 sent from the IOLTA account, as directed, with the exception that the funds could not be
4 deposited to Touchpay.com. (Id. at 1-2.) Touchpay.com does not accept delivery of such funds
5 from IOLTA accounts, cannot assure the security of such delivery, and takes out interest on all
6 funds deposited incremental to the amount. (Id. at 2.) The funds were sent to plaintiff's trust
7 account via the only legal method offered by the Sacramento County Sheriff's Department. (Id.)

8 Based on Mr. McComas's response to the April 28, 2022 order, the undersigned finds that
9 all matters regarding dispersal of the settlement funds are resolved.

10 Accordingly, IT IS HEREBY ORDERED that:

- 11 1. All matters regarding dispersal of the settlement funds are resolved;
- 12 2. Plaintiff's motions regarding dispersal of the settlement funds (ECF Nos. 164, 167,
13 168) are deemed resolved;
- 14 3. The Clerk of the Court is directed to serve a copy of this order on plaintiff: William
15 Houston, XREF # 1931724, Sacramento County Jail, 651 I Street, Sacramento,
16 California, 95814;
- 17 4. The Clerk of the Court is directed to serve a copy of this order on Brian McComas,
18 Law Office of B.C. McComas, PMB 1605, 77 Van Ness Avenue, Suite 101, San
19 Francisco, California, 94102.
- 20 5. No further filings will be accepted in this matter.

21 Dated: May 13, 2022

22 
23 _____
24 KENDALL J. NEWMAN
25 UNITED STATES MAGISTRATE JUDGE

26 Hou2561.ord(2)