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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

GENTRY WILLIAMS,
Plaintiff,
v.
J. FANNON,
Defendant.

No. 2: 19-cv-0486 MCE DB P

ORDER

Plaintiff is a state prisoner, proceeding without counsel, with a civil rights action pursuant to 42 U.S.C. § 1983. For the reasons stated herein, this action is dismissed with prejudice.

On May 25, 2021, the undersigned conducted a settlement conference in this action. This action settled. Pursuant to the terms of the settlement, defendant agreed to pay plaintiff \$2500 and the parties agreed to dismiss this action with prejudice.¹

At the settlement conference, the undersigned instructed plaintiff to prepare and send defendant a notice of voluntary dismissal with prejudice of this action. Upon receipt of the notice of dismissal, the undersigned directed defendant to sign and file the notice of dismissal within thirty days of May 25, 2021.

¹ At the settlement conference, the parties agreed that the transcript from the settlement conference would be the formal settlement agreement. (See ECF No. 47 (transcript from settlement conference).)

1 Following the settlement conference, defendant provided the court with proof of payment
2 of the settlement money.

3 Plaintiff did not comply with the order to send defendant the notice of dismissal. Instead,
4 plaintiff filed a document titled “Private Settlement Agreement and Release of All Claims on
5 Defendant J. Fannon.” (ECF No. 49.) This document is not a notice of voluntary dismissal with
6 prejudice. This document also misrepresents the terms of the settlement and does not contain
7 defendant Fannon’s signature.

8 On June 25, 2021, the undersigned ordered plaintiff to mail defendant Fannon a signed
9 notice of voluntary dismissal with prejudice within fourteen days of the order. (ECF No. 50.)
10 The undersigned ordered defendant to sign and file this notice within thirty days of the order.
11 (Id.) If defendant Fannon did not receive the notice from plaintiff within fourteen days, the
12 undersigned directed defendant Fannon to notify the court. (Id.) In the June 25, 2021 order, the
13 undersigned cautioned plaintiff that failure to comply with the order may result in the imposition
14 of monetary sanctions. (Id.)

15 On July 14, 2021, defendant Fannon filed a notice stating that he did not receive a notice
16 of voluntary dismissal from plaintiff within fourteen days of the June 25, 2021 order. (ECF No.
17 51.)

18 Accordingly, for the reasons stated on the record at the May 25, 2021 settlement
19 conference, this action is dismissed with prejudice. (See ECF No. 47.) In addition, within
20 fourteen days of the date of this order, plaintiff shall pay sanctions of \$1000.00 for his failure to
21 comply with the June 25, 2021 order directing him to send defendant Fannon a notice of
22 voluntary dismissal with prejudice. See Local Rule 110 (“Failure of counsel or a party to comply
23 with ...any order of the Court may be grounds for the imposition by the Court of any and all
24 sanctions ... within the inherent power of the Court.”)

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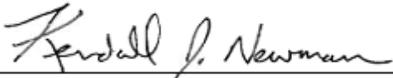
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Accordingly, IT IS HEREBY ORDERED that:

1. This action is dismissed with prejudice;
2. Within fourteen days of the date of this order, plaintiff shall pay sanctions of \$1000.00 payable to the Clerk of Court of the Eastern District of California.

Dated: July 19, 2021


KENDALL J. NEWMAN
UNITED STATES MAGISTRATE JUDGE

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