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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

ANTHONY REED JONES,
Plaintiff,
v.
M. DARDEN,
Defendant.

Case No. [15-cv-02022-JSC](#)

**ORDER DENYING MOTION RE:
SETTLEMENT**

Re: Dkt. No. 54

Plaintiff is a California prisoner proceeding pro se. After Defendant’s motion for summary judgment was denied, the Court referred the case to Magistrate Judge Nandor Vadas for settlement proceedings. (ECF Nos. 34, 43.) Judge Vadas set a video settlement conference for June 21, 2017. (ECF No. 47.) Before the conference, Defendant notified the Court that the parties reached a settlement agreement on their own. (ECF No. 48.) The conference was vacated and the undersigned issued a conditional order of dismissal on June 13, 2017, providing that if any party certifies to the Court within sixty days that the agreed upon consideration for the settlement has not been delivered over, the dismissal order would be vacated. (ECF No. 50.)

On May 2, 2018, Plaintiff filed a motion complaining that he had not received the \$25,000 in settlement funds within 180 days as stipulated in the settlement agreement. (Dkt. No. 54.) Defendant has filed a declaration stating that the delay was caused by Plaintiff’s failure to complete a form required by the California Department of Corrections and Rehabilitation (“CDCR”) until February 2018. (Dkt. No. 55.) Defendant has also indicated that the State Controller’s Office issued payment on April 26, 2018, and that it can take a “few weeks” for the funds to appear in a prisoner’s trust account. (*Id.*) Plaintiff does not contradict this statement, which explains why Plaintiff had not received the funds when he wrote his motion (on or before

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April 30, 2018, the date of his proof of service). As it appears that Plaintiff has been paid the settlement funds, and absent an indication to the contrary, there is no need to reopen this case or to alter the conditional dismissal order.

IT IS SO ORDERED.

Dated: November 6, 2018


JACQUELINE SCOTT CORLEY
United States Magistrate Judge

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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

ANTHONY REED JONES,
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CERTIFICATE OF SERVICE

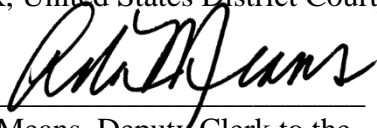
I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S. District Court, Northern District of California.

That on November 6, 2018, I SERVED a true and correct copy(ies) of the attached, by placing said copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing said envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery receptacle located in the Clerk's office.

Anthony Reed Jones ID: D56853
California State Prison
P.O. Box 689
Soledad, CA 93960-0683

Dated: November 6, 2018

Susan Y. Soong
Clerk, United States District Court

By: 
Ada Means, Deputy Clerk to the
Honorable JACQUELINE SCOTT CORLEY