

1                                    IN THE UNITED STATES DISTRICT COURT  
2                                    FOR THE NORTHERN DISTRICT OF CALIFORNIA

3  
4 BERNARD HAMILTON,

5                                    Plaintiff,

6                                    v.

7 OFFICER ADAMIK; SERGEANT WHITSON;  
8 SERGEANT T. LEE; J. NUNEZ; R.  
9 LEE, Medical Technical Assistant;  
10 DR. WILLIAMS; DONALD A. CALVO; L.  
11 SHAEFFER; W. JEPPESON; JILL A.  
12 BROWN; N. GRANNIS; NURSE BARKLEY;  
13 and G. FULLER,

14                                    Defendants.  
15 \_\_\_\_\_/

No. C 06-6268 CW (PR)

ORDER ADOPTING  
MAGISTRATE JUDGE'S  
REPORT AND  
RECOMMENDATION RE  
MOTION TO ENFORCE  
SETTLEMENT AND MOTION  
TO DISMISS LITIGATION

(Docket nos. 182, 204)

United States District Court  
For the Northern District of California

13                    The Court has reviewed Magistrate Judge Vadas's Report and  
14 Recommendation Re Motion to Enforce Settlement and Motion to  
15 Dismiss Litigation, as well as objections to the report. The  
16 Court finds the Report correct, well-reasoned and thorough. In  
17 particular, the Court concurs with Magistrate Judge Vadas's  
18 assessment that "although there is no doubt that Plaintiff entered  
19 into the 2008 settlement to end the ice dispute and obtain a  
20 laptop computer, the settlement agreement does not include the  
21 provision of these items as terms of the settlement." Report at  
22 5:28-6:2. The Court therefore adopts the Report and  
23 Recommendation in full, including Magistrate Judge Vadas's  
24 "regretful[]" conclusion that the Court lacks the power to order  
25 Defendants to provide a laptop and ice to Plaintiff under the  
26 terms of the Notice of Settlement. Report at 6:7-9.

27                    Accordingly, IT IS HEREBY ORDERED that the motion to enforce  
28 settlement and motion to dismiss litigation is GRANTED. It is

1 further ordered that Plaintiff's request for injunctive relief is  
2 DENIED. If Plaintiff is of the belief that he has a serious  
3 medical need that requires he be provided with a laptop and ice,  
4 he is not precluded by this Order from filing a new and separate  
5 lawsuit raising such claims.

6 This Order terminates Docket nos. 182 and 204.

7 IT IS SO ORDERED.

8  
9 Dated: 11/6/2012

  
CLAUDIA WILKEN  
United States District Judge

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11 cc: NJV

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