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2 IN THE UNITED STATES DISTRICT COURT  
3 FOR THE NORTHERN DISTRICT OF CALIFORNIA  
4

5 No. C 09-0411 CW

6 JEROME GRIMES,

7 Plaintiff,

8 v.

9 OFFICER BARBER, et al.,

10 Defendants.  
11 \_\_\_\_\_/

ORDER ADOPTING  
MAGISTRATE JUDGE'S  
REPORT AND  
RECOMMENDATIONS AND  
DENYING OBJECTION

12  
13 Pro se Plaintiff Jerome Grimes has filed a document entitled,  
14 "Reply re: Report and Recommendation," which the Court construes as  
15 an objection to Magistrate Judge Laporte's November 11, 2009 Report  
16 and Recommendations regarding Plaintiff's motions for relief from  
17 settlement. Having read the November 11, 2009 Report and  
18 Recommendation and the papers filed by Plaintiff, the Court finds  
19 the Report and Recommendation correct and well-reasoned and adopts  
20 it in full and denies Plaintiff's objection.

21 On January 28, 2009, Plaintiff filed this action against San  
22 Francisco State University and three individual police officers.  
23 The Court referred the case to Magistrate Judge Laporte for  
24 settlement. At the conference before the magistrate judge, the  
25 parties confirmed, on the record in open court, that they had  
26 reached a nonconfidential settlement agreement which would be later  
27 reduced to writing. Based on the settlement agreement, on  
28

1 September 17, 2009, the Court issued a conditional order of  
2 dismissal, which stated that if, within ninety days from the date  
3 of the order, either party certified to the Court that the agreed  
4 consideration was not paid, the dismissal order would be vacated.  
5 Docket # 49. On September 21, and October 6, 2009, Plaintiff filed  
6 motions for relief from settlement. The motions were referred to  
7 Magistrate Judge Laporte. On October 19, 2009, Magistrate Judge  
8 Laporte issued her Report and Recommendation in which she held that  
9 Plaintiff had failed to establish any grounds to set aside the  
10 settlement agreement or for relief from a final judgment or order  
11 under Rule 60 of the Federal Rules of Civil Procedure. Plaintiff's  
12 objection followed.

13 Civil Local Rule 72-3(a) applies to Magistrate Judges' orders  
14 which are dispositive of a claim. It provides that any objection  
15 to a Magistrate Judge's Order must be accompanied by a motion for  
16 de novo determination, specifically identify the portions of the  
17 Magistrate Judge's findings, recommendations or report to which  
18 objection is made and the reasons and authority therefor. Civil  
19 L.R. 72-3(a).

20 In his objection, Plaintiff presents the same arguments he  
21 presented in his two motions for relief from settlement -- that  
22 Defendants committed fraud when they wrongfully arrested him, that  
23 he was unfairly surprised by a man with a semi-cast arm sling who  
24 was involved in the settlement,<sup>1</sup> and that the settlement agreement  
25 is too small compared to the damages he sought in his complaint.

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26  
27 <sup>1</sup>Plaintiff also argues in his objection, that he was unfairly  
28 surprised to find that it was so easy to obtain a settlement agreement  
in this case. However, this is insufficient grounds for relief from  
settlement.

1 For the same reasons Magistrate Judge LaPorte provided in her  
2 Report and Recommendations, Plaintiff's arguments are insufficient  
3 to set aside the settlement agreement or to obtain relief from  
4 judgment.

5 CONCLUSION

6 For the foregoing reasons, the Court denies Plaintiff's  
7 motions for relief from settlement. (Docket ## 50 and 55).  
8 Plaintiff's objection to the Magistrate Judge's Report and  
9 Recommendations also is denied. (Docket # 59).

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11 IT IS SO ORDERED.

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13  
14 Dated: December 23, 2009



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CLAUDIA WILKEN  
United States District Judge