

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

DAVID JORDAN,)	
)	
Plaintiff,)	
)	
vs.)	Civil Action No. 11-556
)	Magistrate Judge Maureen P. Kelly
PENNSYLVANIA DEPARTMENT OF)	
CORRECTIONS, JOHN E. WETZEL, in his)	
official capacity as Acting Secretary of the)	Re: ECF No. 33
Pennsylvania Department of Corrections,)	
Defendants.)	

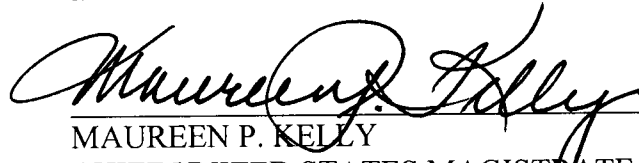
ORDER

Before the Court is a Motion to Compel Defendants to Honor Settlement, filed by Plaintiff David Jordan. ECF No. 33. Defendant filed a Response to the Motion, ECF No. 36. Plaintiff also submitted an additional filing in support of his Motion, ECF No. 35.

Plaintiff moves for this Court to enforce a settlement agreement he claims was reached in this case in 2012. However, as Defendants point out, this Court is without jurisdiction over this matter. In this Court's August 29, 2012, Order approving the parties' Stipulation of Dismissal, this Court approved dismissal of this case with prejudice. ECF No. 32. No reference to or incorporation of a settlement agreement was made as part of the Order. Further, the Order did not contain any language whereby the Court expressly retained jurisdiction over the settlement. Accordingly, this Court lacks jurisdiction to enforce any settlement agreement. See Kokkonen v. Guardian Life Ins. Co. of Am., 511 U.S. 375 (1994); Pew v. Torma, Civ. A. No. 03-1728, 2015 U.S. Dist. LEXIS 85711 (W.D. Pa. July 1, 2015).

AND NOW, this 12th day of July, 2017, for the reasons set forth above, Plaintiff's Motion to Compel Defendants to Honor Settlement, ECF No. 33, is DENIED without prejudice for Plaintiff to seek relief in an appropriate state court.¹

BY THE COURT:


MAUREEN P. KELLY
CHIEF UNITED STATES MAGISTRATE JUDGE

cc: All counsel of record via CM/ECF

David Jordan
DOC #HB1748
SCI - Forest
P.O. Box 945
Marienville, PA 16289

¹ The Court notes with appreciation the efforts made by counsel for Defendants, outlined in ECF No. 36 at 5 n.2, to ensure that the medical staff at SCI-Forest, where Plaintiff has been transferred, is aware of and in compliance with the relevant terms of the settlement agreement.