

**UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA**

Davis v. Walker, et al.

Davis v. Walker · No. Nos. 2:08-cv-00593-KJM-SCR and 2:10-cv-02139-KJM-SCR · Decided December 19,
2025

OPINION

Walker

PER CURIAM.

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8 UNITED STATES DISTRICT COURT

9 FOR THE EASTERN DISTRICT OF CALIFORNIA

10 11 Kennard Davis, No. 2:08-cv-00593-KJM-SCR 12 Plaintiff, 13 v. 14 James Walker, et al., 15
Defendants. 16 17 Kennard Davis, No. 2:10-cv-02139-KJM-SCR 18 Plaintiff, ORDER 19 v. 20
James Walker, et al., 21 Defendants. 22 23 24 Plaintiff Kennard Davis alleges in the two actions
captioned above that prison staff denied 25 medical care to plaintiff in retaliation for filing
appeals, used excessive force, destroyed legal 26 documents and took other similarly harmful
actions. Defendants deny these claims. The court 27 has previously found plaintiff is not
competent to proceed pro se, and plaintiff is now represented 28 by a guardian ad litem. The
parties in both cases have reached settlement agreements and now 1 move jointly for approval of
the agreements in each case. See Case No. 08-593, ECF No. 528; 2 Case No. 10-2139, ECF No.
558. The parties agree the settlement agreements in the two related 3 cases are a full and complete
compromise of all disputed issues and the parties' compromises do 4 not amount to any admission
on part of the defendants. Plaintiff also agrees that in consideration 5 of receiving two payments of
\$15,000, one for each of the two cases, plaintiff will forever 6 discharge, hold harmless and
indemnify defendants and will dismiss all pending claims with 7 prejudice. No other monetary
relief will be paid to plaintiff, and each party will bear its own 8 attorneys' fees. 9 District courts
have a duty to protect the interests of minor or incompetent litigants. See 10 Fed. R. Civ. P. 17(c)
(2) (requiring a district court to "appoint a guardian ad litem—or issue 11 another appropriate
order—to protect a minor or incompetent person who is unrepresented in an 12 action"). This
special duty requires a district court to "conduct its own inquiry to determine 13 whether the
settlement serves the best interests" of the minor or incompetent person. Robidoux v. 14
Rosengren, 638 F.3d 1177, 1181 (9th Cir. 2011) (quoting Dacanay v. Mendoza, 573 F.2d 1075, 15
1080 (9th Cir. 1978)). The Ninth Circuit instructs district courts to "limit the scope of their 16
review to the question whether the net amount distributed to each [minor or incompetent] plaintiff
17 in the settlement is fair and reasonable, in light of the facts of the case, the [plaintiff's] specific
18 claim, and recovery in similar cases." Robidoux, 638 F.3d at 1181–82. This District's Local 19

Rules also include several provisions governing the approval of an agreement to settle claims by an incompetent person. See E.D. Cal. L.R. 202(b). The parties have supplied the information required by the local rules, including in their joint motion and a declaration by the guardian ad litem, which describes the terms of the settlement agreement, how it came about with the assistance of a Magistrate Judge in a court-convened settlement conference, and the terms and history of plaintiff's representation by counsel and guardian ad litem. See Case No. 08-593, ECF No. 534; Case No. 10-2139, ECF No. 559. By all indications, the parties negotiated and entered the settlement agreements in good faith. The court is familiar with the claims and allegations underlying plaintiff's claims, the long procedural history of these related cases and the evidence about plaintiff's competency. Although the court is aware of no cases that are a precise match for these here, the court is satisfied the settlement agreements are fair and reasonable in comparison to settlement agreements on behalf of others who, in comparably vulnerable circumstances, have alleged deprivations of their constitutional or statutory rights. See, e.g., *Gillis v. In-Shape Fam. Fitness, LLC*, No. 23-01474, 2024 WL 3637487 (E.D. Cal. Aug. 2, 2024) (approving agreement even though size of award was "relatively small," given the nature of the alleged harms); *Cantu v. Kings County*, No. 20-00538, 2023 WL 8806569, at *8 (E.D. Cal. Dec. 20, 2023) (collecting authority), findings and recommendation adopted, 2024 WL 169153 (E.D. Cal. Jan. 16, 2024); *Garcia v. County of Kern*, No. 20-0093, 2021 WL 3674519, at *7 (E.D. Cal. Aug. 19, 2021) (same), findings and recommendation adopted, 2021 WL 3813414 (E.D. Cal. Aug. 26, 2021). The court also has reviewed the parties' summary of how the settlement funds will be distributed, i.e., via prison trust account, and finds those procedures are proper. The motion at ECF No. 528 in Case No. 08-593 and the motion at ECF No. 558 in Case No. 10-2139 are both granted. The parties shall file dispositional documents in both related actions within thirty days of the date this order is filed. IT IS SO ORDERED. DATED: December 17, 2025.