

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA

DePonte v. Stohl, et al.

DePonte · No. 1:24-cv-00695-KES-HBK (PC) · Decided December 29, 2025

OPINION

1 2 3 4 5 6 7 8 UNITED STATES DISTRICT COURT 9 FOR THE EASTERN DISTRICT OF
CALIFORNIA 10 11 DAVID ARTHUR DEPONTE, Case No. 1:24-cv-00695-KES-HBK (PC) 12
Plaintiff, FINDINGS AND RECOMMENDATIONS TO DENY PLAINTIFF’S MOTION AS
MOOT 13 v. (Doc. No. 71) 14 STOHL, et al., 15 Defendants. FOURTEEN-DAY DEADLINE 16
17 On October 1, 2025, Plaintiff filed a second¹ motion seeking to enforce payment in 18
connection with a global settlement agreement he reached with the California Department of 19
Corrections (“CDCR”) in this action and his companion case, DePonte v. Bowman, Case No. 20
2:24-cv-01262-DJC-CSK (E.D.

Cal. July 9, 2025). (Doc. No. 71). Plaintiff claims that as of the 21 date he signed the motion
—September 28, 2025—he has not received the settlement payment as 22 agreed by the parties at a
settlement conference and requests that the court enforce the terms of 23 the settlement agreement
and assess late penalties. (Id. at 2-3). 24 After being granted an extension of time, Defendants filed
a status report and opposition 25 to Plaintiff’s motion on November 21, 2025.

(Doc. No. 76). Defendants attach the Declaration of 26 Ari Sheps, Deputy Attorney General.
Deputy Attorney General Sheps attests that “CDCR’s 27 1 The Court found Plaintiff’s first motion
to enforce the settlement agreement filed on July 3, 2025, was 28 prematurely filed. (Doc. No.
72). 1 accounting office” confirmed that “the settlement funds had been processed on October 15,
2025, 2 and paid on October 22, 2025.” (Id. at 4, ¶ 3).

Defendants attach a copy of the payment 3 processing packet as an exhibit. (Id. at 5-16, Exhibit
A). 4 On November 26, 2025, the Court issued an order directing Plaintiff to file either a reply 5
to Defendants’ opposition or a request to withdraw his motion as moot by December 15, 2025. 6
(Doc. No. 77 at 3).

The Court informed Plaintiff that failure to file either a reply or a request to 7 withdraw his motion
would result in the Court deeming Defendants’ representation that the 8 settlement has been paid
as uncontested and issuing Findings and Recommendations that the 9 district court deny
Plaintiff’s motion as moot. (Id. at 3 ¶ 2). Plaintiff has neither filed a reply to 10 Defendants’
opposition nor a request to withdraw his motion, and the deadline to do so has since 11 expired.

(See Docket). 12 ACCORDINGLY, it is RECOMMENDED: 13 That the district court deny Plaintiff's motion to enforce settlement agreement (Doc. No. 14 71) as MOOT.2 15 NOTICE TO THE PARTIES 16 Recommendations will be submitted to the United States District Judge assigned to this 17 case, pursuant to the provisions of 28 U.S.C. § 636(b)(1). Within 14 days after being served with 18 a copy of these Findings and Recommendations, a party may file written objections with the 19 Court.

Id.; Local Rule 304(b). The document should be captioned, "Objections to Magistrate 20 Judge's Findings and Recommendations" and shall not exceed fifteen (15) pages. The Court will 21 not consider exhibits attached to the Objections.

To the extent a party wishes to refer to any 22 exhibit(s), the party should reference the exhibit in the record by its CM/ECF document and page 23 number, when possible, or otherwise reference the exhibit with specificity. Any pages filed in 24 excess of the fifteen (15) page limitation may be disregarded by the District Judge when 25 26 2 On March 19, 2025, the parties participated in a settlement conference before U.S. Magistrate Judge Jeremy D. Peterson.

(Doc. No. 60). The minutes do not reflect that the court agreed to retain jurisdiction 27 for purposes of enforcing the settlement. (Id.). The Court need not determine whether it retained jurisdiction to enforce the settlement agreement due to the Court's finding that the motion is moot. 28 1 | reviewing these Findings and Recommendations under 28 U.S.C. § 636(b)(1)(C).

A party's 2 | failure to file any objections within the specified time may result in the waiver of certain rights on 3 | appeal. *Wilkerson v. Wheeler*, 772 F.3d 834, 839 (9th Cir. 2014). 4 Dated: _ December 29, 2025 Co. Zh. Bareh Hack 6 HELENA M. BARCH-KUCHTA 4 UNITED STATES MAGISTRATE JUDGE 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28