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MOLLY C. DWYER, CLERK
U.S. COURT OF APPEALS

NOT FOR PUBLICATION
UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

TIMOTHY GASTILE,

Plaintiff-Appellant,

v.

T. VIRGA, Warden,

Defendant-Appellee.

No. 15-16294

D.C. No. 2:11-cv-02829-JAM-
EFB

MEMORANDUM*

Appeal from the United States District Court
for the Eastern District of California
John A. Mendez, District Judge, Presiding

Submitted October 25, 2016**

Before: LEAVY, GRABER, and CHRISTEN, Circuit Judges.

California state prisoner Timothy Gastile appeals pro se from the district court's order granting defendant's motion to enforce a settlement agreement in his 42 U.S.C. § 1983 action alleging Eighth Amendment claims. We have jurisdiction under 28 U.S.C. § 1291. We review for an abuse of discretion the district court's

* This disposition is not appropriate for publication and is not precedent except as provided by Ninth Circuit Rule 36-3.

** The panel unanimously concludes this case is suitable for decision without oral argument. *See* Fed. R. App. P. 34(a)(2).

enforcement of a settlement agreement. *Doi v. Halekulani Corp.*, 276 F.3d 1131, 1136 (9th Cir. 2002). We affirm.

The district court did not abuse its discretion by granting defendant's motion to enforce the settlement agreement because Gastile stated that he understood and agreed to the material terms of the agreement during the settlement conference before the magistrate judge, and the record does not support Gastile's claims of confusion and coercion. *See* Cal. Civ. Proc. Code. § 664.6 ("If parties to pending litigation stipulate, in a writing signed by the parties outside the presence of the court or orally before the court, for settlement of the case, or part thereof, the court, upon motion, may enter judgment pursuant to the terms of the settlement."); *Doi*, 276 F.3d at 1136-40 (district court did not abuse its discretion in enforcing settlement agreement where material terms of agreement were read into the record and parties agreed to them).

AFFIRMED.