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UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,  
Plaintiff,  
v.  
ERIC MCDAVID,  
Defendant.

No. 2:06-CR-00035-MCE

**ORDER**

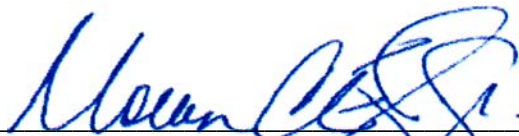
Presently before the Court is Defendant Eric McDavid's Motion for Order to Show Cause (ECF No. 472), by which Defendant requests that the Court order the Government to show cause "how and why it withheld approximately 3,000 pages of investigative documents from him until long after he was convicted in 2007." Def.'s Mot. at 1. That motion is hereby DENIED both as barred by the parties' Final Settlement Agreement (ECF No. 459), which was incorporated into Defendant's plea agreement in its entirety (ECF No. 458), and as moot because the Court has already conducted its own inquiry into that precise question.

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1 “It is well settled that a district court has the equitable power to enforce summarily an  
2 agreement to settle a case pending before it.” Callie v. Near, 829 F.2d 888, 890 (9th Cir.  
3 1987). Moreover, this Court exercised its inherent power to ask the Government “how  
4 and why” documents were withheld when it thoroughly and painstakingly questioned the  
5 United States at the January 8, 2015, hearing regarding the very issues Defendant’s  
6 current counsel raises now. The Court is satisfied that the failure to turn over documents  
7 in this case was inadvertent, an anomaly, and an incident not likely to be repeated. No  
8 further action by this Court is required. The September 3, 2015, hearing on this matter is  
9 VACATED.

10 IT IS SO ORDERED.

11 DATED: September 2, 2015

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16 MORRISON C. ENGLAND, JR.  
17 UNITED STATES DISTRICT JUDGE  
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