

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

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

ROBERT GLEN MISTRIEL,)	NO. 1:03-cv-06922-AWI-SKO
)	
Plaintiff,)	ORDER DISMISSING
v.)	DEFENDANT CITY OF
)	BAKERSFIELD
COUNTY OF KERN et al.,)	
)	(Document #85)
Defendants.)	

On March 15, 2012, Plaintiff filed a Motion to Dismiss Defendant City of Bakersfield. Defendant City of Bakersfield filed a non-opposition to Plaintiff’s motion. No other Defendant filed a response to Plaintiff’s motion. While Plaintiff admits in his motion that he did not serve a copy of it on the other Defendants, Defendants knew about Plaintiff’s motion when the Clerk of the Court scanned Plaintiff’s motion into the court’s CM/ECF electronic filing system.

Because Plaintiff has filed a motion to dismiss, Defendant Bakersfield does not oppose the motion, and no other party has filed an opposition, the court finds that dismissal is appropriate under Rule 41 as to Defendant City of Bakersfield only. Therefore, IT IS HEREBY ORDERED that Plaintiff’s Motion to Dismiss is GRANTED and Defendant City of Bakersfield is DISMISSED from this case.

IT IS SO ORDERED.

Dated: March 20, 2012



CHIEF UNITED STATES DISTRICT JUDGE