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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

ANTONIO CORTEZ BUCKLEY,
Plaintiff,
v.
A. K. SCRIBNER, et al.,
Defendants.

Case No. 1:04-cv-05622-LJO-MJS (PC)
VOLUNTARY DISMISSAL OF ACTION
(ECF No. 116)
CLERK TO CLOSE CASE

Plaintiff Antonio Cortez Buckley, a state prisoner proceeding pro se and in forma pauperis, filed this civil rights action on April 26, 2004 pursuant to 42 U.S.C. § 1983. The parties filed a notice of settlement on July 30, 2013. (ECF No. 111.) The Court stayed the second scheduling order, vacated the pretrial conference, ordered the parties file joint documents disposing of this matter upon settlement by not later than November 11, 2013, and left intact the December 10, 2013 trial date pending parties' compliance with the foregoing. (ECF Nos. 113, 115.)

On November 1, 2013, the parties filed a voluntary stipulation to dismissal with prejudice of the entire action. (ECF No. 116.) Under Fed. R. Civ. P. 41(a)(1)(A), a plaintiff may dismiss an action without a court order by filing a stipulation of dismissal signed by all parties who have appeared. The parties' voluntary stipulation is sufficient as a notice of dismissal under Rule 41.

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Accordingly, pursuant to Fed. R. Civ. P. 41, this action is hereby DISMISSED WITH PREJUDICE.

The December 10, 2013 trial date is VACATED.

The Clerk shall CLOSE this case.

IT IS SO ORDERED.

Dated: November 4, 2013

/s/ Lawrence J. O'Neill
UNITED STATES DISTRICT JUDGE