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8 **IN THE UNITED STATES DISTRICT COURT**  
9 **FOR THE EASTERN DISTRICT OF CALIFORNIA**  
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11 SPENCER PETERSON,

CASE NO. CV F 06-0349 LJO SMS

12 Plaintiff,

**ORDER TO DENY REQUEST TO DISMISS**  
(Doc. 92.)

13 vs.

14 STATE OF CALIFORNIA,  
15 DEPARTMENT OF CORRECTIONS  
AND REHABILITATION,

16 Defendant.  
\_\_\_\_\_ /

17 Plaintiff filed a May 3, 2010 request to dismiss this action. Plaintiff's attempt to dismiss this  
18 action fails to comply with F.R.Civ.P. 41(a)(1)(A)(ii), which requires a stipulation signed by defendants  
19 who have answered or filed a summary judgment motion. As such, this Court DENIES dismissal of this  
20 action in the absence of compliance with F.R.Civ.P. 41(a)(1)(A)(ii). This Court ORDERS the parties,  
21 no later than May 6, 2010, to file either: (a) a stipulation which satisfies F.R.Civ.P. 41(a)(1)(A)(ii) and  
22 a proposed order to dismiss defendants; or (b) papers to show good cause why the parties have failed  
23 to comply with F.R.Civ.P. 41(a)(1)(A)(ii). This Court ADMONISHES counsel to obey the Federal  
24 Rules of Civil Procedure and this Court's Local Rules. This Court FURTHER ADMONISHES counsel  
25 that failure to comply with this order in the absence of good cause will result in imposition of sanctions,  
26 including dismissal of this action with or without prejudice.

27 IT IS SO ORDERED.

28 **Dated: May 3, 2010**

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**/s/ Lawrence J. O'Neill**

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UNITED STATES DISTRICT JUDGE