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**UNITED STATES DISTRICT COURT**

EASTERN DISTRICT OF CALIFORNIA

DONALD J. ACKLEY,

CASE NO. 1:06-cv-00771-AWI-BAM PC

Plaintiff,

ORDER DISMISSING ACTION, WITH  
PREJUDICE, PURSUANT TO FED. R. CIV. P.  
41(a)(1)(ii)

v.

D. CARROLL, et al.,

(ECF No. 113)

Defendants.

Plaintiff Donald J. Ackley ("Plaintiff") is a state prisoner proceeding pro se and in forma pauperis in this civil rights action pursuant to 42 U.S.C. § 1983. This action is proceeding on Plaintiff's complaint, filed June 19, 2006, against Defendant Wright for excessive force in violation of the Eighth Amendment, and Defendant Carroll for retaliation in violation of the First Amendment.

A settlement conference was held on August 8, 2012, before the Honorable Barbara A. McAuliffe. A settlement agreement was reached between the parties and put on record. Defendants' counsel was to prepare and submit a stipulation to dismiss the action with prejudice, signed by Plaintiff and Defendants. This action was to be dismissed once the stipulation was submitted, with the Court to retain jurisdiction as necessary to enforce the settlement agreement.

On August 17, 2012, Defendants submitted the signed stipulation to dismiss this action with prejudice.

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1           Accordingly, pursuant to Federal Rule of Civil Procedure 41(a)(1)(ii), this action is HEREBY  
2 DISMISSED, with prejudice. All pending motions are terminated. The Court retains jurisdiction  
3 to enforce the settlement as set forth in the August 8, 2012 court records. Each party shall bear their  
4 own costs.

5  
6 IT IS SO ORDERED.

7 Dated: August 20, 2012

  
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CHIEF UNITED STATES DISTRICT JUDGE