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8 UNITED STATES DISTRICT COURT
9 EASTERN DISTRICT OF CALIFORNIA
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11 GARY ANDRE LACY,

12 Plaintiff,

13 vs.

14 H. TYSON, et al.,

15 Defendants.
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1:07-cv-00381-LJO-EPG-PC

ORDER GIVING FULL EFFECT TO
STIPULATION TO DISMISS CASE, WITH
PREJUDICE, UNDER RULE 41
(ECF No. 172.)

ORDER FOR CLERK TO CLOSE CASE

17 Plaintiff, Gary Andre Lacy (“Plaintiff”), is a former state prisoner proceeding *pro se*
18 and *in forma pauperis* with this civil rights action pursuant to 42 U.S.C. § 1983. This action
19 was filed on March 9, 2007. (ECF No. 1.) This action now proceeds on the Second Amended
20 Complaint, filed on April 28, 2009, against defendants Correctional Officer (C/O) T. Reyna,
21 C/O N. Correa, Sergeant M. Bremnar, and Sergeant M. Brookwalter for failure to protect
22 Plaintiff; and against defendants Captain H. Tyson and Sergeant J. Peacock for use of excessive
23 force (collectively, “Defendants”).¹ (ECF No. 16.)
24

25 ¹Defendants Dill and Heanacho were dismissed by the Court on August 27, 2009. (ECF No. 17.)
26 Plaintiff's claims for equal protection, and for retaliation against defendant Dill, were also dismissed by the Court,
27 for failure to state a claim. *Id.* On November 5, 2012, the Court dismissed defendant R. Reyna from this action,
28 with prejudice, due to notice of the defendant's death. (ECF No. 132.) On February 23, 2016, defendants were
granted summary judgment as to as to Plaintiff's excessive force claims against defendant Peacock, and Plaintiff's
medical claims against Defendants Bremnar, Brookwalter, Peacock, Tyson, Aspeitia-Fleming, and Dr. Patel.
(ECF No. 161.)

1 On August 11, 2016, a stipulation for voluntary dismissal with prejudice was filed with
2 the Court, containing the signatures of Plaintiff and Counsel for Defendants Tyson, T. Reyna,
3 Bremner, Peacock, Brookwalter, and Correa. (ECF No. 173.) The stipulation states that
4 Plaintiff Gary Andre Lacy and Defendants Tyson, et al., have resolved this case in its entirety
5 and therefore stipulate to a dismissal of this action with prejudice under Federal Rule of Civil
6 Procedure 41(a)(1)(A)(ii).

7 Federal Rule of Civil Procedure 41(a)(1)(ii) allows plaintiffs to “dismiss an action
8 without a court order by filing a stipulation of dismissal signed by all parties who have
9 appeared.” The stipulation filed on August 11, 2016 is signed by all parties who have appeared
10 in this case. Therefore, the parties’ stipulation is given full force and effect, and this case is
11 dismissed with prejudice. The Clerk shall close the case.

12 Accordingly, IT IS HEREBY ORDERED that:

- 13 1. The parties’ stipulation for voluntary dismissal of this action with prejudice is
14 effective as of the date it was filed;
- 15 2. This case is DISMISSED WITH PREJUDICE; and
- 16 3. The Clerk of the Court is directed to close this case.

17
18 IT IS SO ORDERED.

19 Dated: August 16, 2016

/s/ Lawrence J. O’Neill
UNITED STATES CHIEF DISTRICT JUDGE