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4 UNITED STATES DISTRICT COURT
5 EASTERN DISTRICT OF CALIFORNIA
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7 SERGIO ALEJANDRO GAMEZ,

8 Plaintiff,

9 vs.

10 F. GONZALEZ, et al.,

11 Defendants.
12

1:08-cv-01113-EPG-PC

ORDER GIVING FULL EFFECT TO
STIPULATION TO DISMISS CASE, WITH
PREJUDICE, UNDER RULE 41
(ECF No. 235.)

ORDER FOR CLERK TO CLOSE CASE

13 Sergio Alejandro Gamez (“Plaintiff”) is a state prisoner proceeding in this civil rights
14 action pursuant to 42 U.S.C. § 1983 with counsel appointed for limited purpose.¹ Plaintiff filed
15 the Complaint commencing this action on August 1, 2008. (ECF No. 1.) This case now
16 proceeds on the Fourth Amended Complaint filed on November 8, 2013, with Plaintiff’s claims
17 for due process violations concerning his 2010 and 2012 gang validations, and related
18 retaliation claims, against defendants Holland, Gonzalez, Tyree, Gentry, Adame, and
19 Jakobosky (collectively, “Defendants”). (ECF No. 147.)

20 The parties to this case have voluntarily consented to have the undersigned, Magistrate
21 Judge Erica P. Grosjean, conduct any and all further proceedings in the case, including
22 conducting the trial and entry of a final judgment.²
23

24 ¹ On December 10, 2015, the Court appointed M. Greg Mullanax as counsel for Plaintiff, for the
25 limited purpose of assisting Plaintiff with preparing for and participating in the February 18, 2016 settlement
26 conference. (ECF No. 212.)

27 ² On May 9, 2014, defendants Gonzalez, Gentry, Holland, Tyree, Adame, and Jakobosky
28 consented to the jurisdiction of a Magistrate Judge under 28 U.S.C. § 636(c). (ECF No. 169.) On December 8,
2015, Plaintiff consented to the jurisdiction of a Magistrate Judge under 29 U.S.C. § 636(c). (ECF No. 208.) On
December 10, 2015, this case was reassigned to Magistrate Judge Erica P. Grosjean for all further proceedings.
(ECF No. 210.)

1 On February 18, 2016, a settlement conference was held in this case before Magistrate
2 Judge Jennifer L. Thurston, and the case settled. (ECF No. 232.) On April 11, 2016, a
3 stipulation for voluntary dismissal with prejudice was filed with the Court, containing the
4 signatures of Plaintiff and Counsel for Defendants Holland, Gonzalez, Tyree, Gentry, Adame,
5 and Jakabosky. (ECF No. 235.) The stipulation states:

6 It is hereby stipulated that, under Federal Rule of Civil Procedure
7 41(a)(1)(A)(ii), [this] action shall be dismissed with prejudice. The Court shall
8 retain jurisdiction to enforce the terms of the settlement agreement entered
9 between the parties on February 28, 2016.

9 (Id. at 2.)

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

15 Accordingly, IT IS HEREBY ORDERED that:

- 16 1. The parties’ stipulation for voluntary dismissal of this action with prejudice is
17 effective as of the date it was filed;
- 18 2. This case is DISMISSED WITH PREJUDICE;
- 19 3. The Court shall retain jurisdiction to enforce the terms of the settlement
20 agreement entered between the parties on February 28, 2016; and
- 21 4. The Clerk of the Court is directed to close this case.

22
23 IT IS SO ORDERED.

24 Dated: April 13, 2016

25 /s/ Eric P. Grogan
26 UNITED STATES MAGISTRATE JUDGE
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