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6 **UNITED STATES DISTRICT COURT**
78 EASTERN DISTRICT OF CALIFORNIA
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TIMOTHY FENSTERMACHER,

CASE NO. 1:08-cv-01447-SKO PC

Plaintiff,

STIPULATED DISMISSAL AND ORDER

v.

SAMUEL MORENO, et al.,

Defendants.

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Plaintiff Timothy Fenstermacher (“Plaintiff”) is a state prisoner proceeding pro se and in forma pauperis in this civil rights action pursuant to 42 U.S.C. § 1983. On December 16, 2010, Plaintiff Timothy Fenstermacher and Defendants Samuel Moreno and Ruben Robles (“Defendants”) stipulated to dismissal of this entire action, with prejudice. (Doc. #80.)

Accordingly, it is HEREBY ORDERED that pursuant to Rule 41(a)(1)(A)(ii), this action shall be dismissed with prejudice as to all Defendants.

IT IS SO ORDERED.

Dated: December 17, 2010

/s/ Sheila K. Oberto
UNITED STATES MAGISTRATE JUDGE