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**IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF CALIFORNIA**

**KRISTA GARCIA, by and through her
guardian ad litem Lorraine Marin,**

Plaintiff,

v.

**CLOVIS UNIFIED SCHOOL
DISTRICT, DOUGLAS BURNS, BARRY
JAGER, GREG BASS, ANN-MAURA
CERVANTES, MAI YIA MOUA, and
DOES 1 through 20, inclusive,**

Defendants.

1:08-CV-1924 AWI SKO

**ORDER DISCHARGING
ORDER TO SHOW CAUSE
AND CLOSING CASE IN
LIGHT OF RULE 41
STIPULATION FOR
DISMISSAL WITH
PREJUDICE**

(Doc. Nos. 86, 87)

On September 21, 2010, this Court approved the minor’s settlement in this case pursuant to Local Rule 202(b)(1), and ordered the parties to file the appropriate dismissal papers within twenty-one days of service of the approval. See Court’s Docket Doc. No. 85; see also Local Rule 160. On October 15, 2010, the Court issued an order to show cause why dismissal papers had not been filed and why sanctions should not be imposed pursuant to Local Rule 160(b). See Court’s Docket Doc. No. 86.

On October 18, 2010, the parties filed a properly signed stipulation for dismissal of this case with prejudice pursuant to Federal Rule of Civil Procedure 41(a)(A)(1)(ii). See Court’s Docket Doc. No. 87. Because such a dismissal is effective upon filing, this case has

1 automatically terminated with prejudice. See id.; In re Wolf, 842 F.2d 464, 466 (D.C. Cir. 1989);
2 Eitel v. McCool, 782 F.2d 1470, 1472-73 & n.4 (9th Cir. 1986); Gardiner v. A.H. Robins Co.,
3 747 F.2d 1180, 1189 (8th Cir. 1984).

4 Also on October 18, 2010, Defendants responded to the order to show. See Court's
5 Docket Doc. Nos. 88, 89. After review, the Court is satisfied with the offered explanation. The
6 Court will discharge the order to show cause and will not impose sanctions.

7
8 Accordingly, IT IS HEREBY ORDERED that:

- 9 1. The October 15, 2010, order to show cause is DISCHARGED; and
10 2. The Clerk is directed to CLOSE this case in light of the properly signed and filed Rule
11 41(a)(1)(A)(ii) stipulation for dismissal with prejudice.

12 IT IS SO ORDERED.

13 Dated: October 19, 2010

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15 CHIEF UNITED STATES DISTRICT JUDGE
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