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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

JOSHUA J. CANTU,
Plaintiff,
v.
M. GARCIA, et al.,
Defendants.

No. 1:09-cv-00177-DAD-GSA (PC)

ORDER FOR CLERK OF COURT TO CLOSE
THE CASE

(Doc. No. 199)

Plaintiff Joshua J. Cantu is a state prisoner proceeding pro se with this civil rights action pursuant to 42 U.S.C. § 1983. The action is proceeding on plaintiff's second amended complaint, filed June 6, 2013, on (1) his Eighth Amendment excessive use of force claim against defendant Garcia; and (2) his Eighth Amendment failure to protect claim against defendants Goree and Baptiste. Defendants Garcia, Goree, and Baptiste have all appeared in this action.¹

On April 10, 2017, a stipulation to dismiss this case with prejudice under Federal Rule of Civil Procedure 41(a)(1)(A)(ii) was filed with the court, containing the signatures of plaintiff, proceeding pro se, and counsel for defendants Garcia, Goree, and Baptiste. (Doc. No. 199.)

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¹ On February 24, 2014, defendants Garcia and Goree filed an answer to the second amended complaint. (Doc. No. 42.) On September 23, 2014, defendant Baptiste filed an answer to the second amended complaint. (Doc. No. 116.)

1 Rule 41(a)(1)(A)(ii) provides: "Subject to Rules 23(e), 23.1(c), 23.2, and 66 and any
2 applicable federal statute, the plaintiff may dismiss an action without a court order by filing a
3 stipulation of dismissal signed by all parties who have appeared." Fed. R. Civ. P. 41(a)(1)(A)(ii).

4 Given that plaintiff and defendants Garcia, Goree, and Baptiste have stipulated to dismiss
5 this case with prejudice, this case is dismissed with prejudice as of the date the stipulation was
6 filed.

7 Accordingly,

- 8 1. The stipulation to dismiss this action with prejudice (Doc. No. 199), filed on April 10,
9 2017, is effective as of the date it was filed;
- 10 2. This case has been dismissed in its entirety, with prejudice, under Rule 41(a)(1)(A)(ii);
11 and
- 12 3. The Clerk of the Court is directed to close this case.

13 IT IS SO ORDERED.

14 Dated: May 19, 2017

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17 UNITED STATES DISTRICT JUDGE
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