

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

**UNITED STATES DISTRICT COURT**  
EASTERN DISTRICT OF CALIFORNIA

BARRY LAMON,  
Plaintiff,  
v.  
ADAMS, et al.,  
Defendants

Case No. 1:09-cv-00205-JLT PC  
ORDER DISREGARDING PLAINTIFF'S  
MOTION TO WITHDRAW STIPULATION  
FOR DISMISSAL AS MOOT  
(Doc. 336)

On March 17, 2016, the parties filed a fully executed stipulation for voluntary dismissal of this action with prejudice. (Doc. 330.) The Court issued an order dismissing the action pursuant to that stipulation the next day. (Doc. 331.) Approximately a week later, Plaintiff filed a notice of withdrawal of his consent to the terms of the settlement in which he moved to stay entry of final judgment in this action until the terms of the settlement are met which was denied for lack of jurisdiction on April 7, 2016. (Docs. 332, 336.)

On April 11, 2016, Plaintiff filed a second motion for withdrawal of the stipulation for dismissal which raised the same arguments as his first motion. (Doc. 336.) The Court notes that Plaintiff signed his second motion on April 2, 2016 and gave to prison staff for mailing on April 4, 2016. (Doc. 336.) Plaintiff had not received the ruling on his first motion seeking relief from the settlement when he mailed the second. It is apparent that the order on Plaintiff's first motion and his second motion crossed in the mail.

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

Based on the foregoing, the Court **ORDERS**:

1. Plaintiff's motion for withdrawal of stipulation for dismissal, filed on April 11, 2016 (Doc. 336), is **DISREGARDED** as moot.

IT IS SO ORDERED.

Dated: May 23, 2016

/s/ Jennifer L. Thurston  
UNITED STATES MAGISTRATE JUDGE