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

ANTONIO MARTÍNEZ, and FELIPE
NUÑEZ TORRES,

Plaintiffs,

v.

JOSE GILBERTO SILVEIRA, an
individual; and DOES ONE through
TWENTY inclusive

Defendants.

CASE NO. 1:10-CV-0234-GSA

**ORDER DISMISSING ACTION WITH
PREJUDICE**
(Doc. 67)

On August 10, 2012, Plaintiff Antonio Martinez and Felipe Nunez Torres filed a Notice of Voluntary Dismissal, dismissing the case with prejudice against Defendant pursuant Section IX, paragraph A(2) of a settlement agreement entered into by the parties. (Doc. 66 and Doc. 60, pg. 19). However, since Defendant answered the complaint, Plaintiff may not voluntarily dismiss the action under Rule 41(a)(1)(A) without the Defendant’s signed stipulation. (Doc. 6). This Court however, may dismiss the action based on Plaintiff’s request on terms that the Court finds proper. Fed. R. Civ. P. 41(a)(2).

Given the parties settlement agreement int his matter, the Court orders that this action be DISMISSED with prejudice pursuant to Rule 41(a)(2) of the Federal Rules of Civil

1 Procedure. The Clerk of the Court is directed to close this case.

2 IT IS SO ORDERED.

3 Dated: August 23, 2012

/s/ Gary S. Austin
UNITED STATES MAGISTRATE JUDGE

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