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

ROBERT TOWNSEND,

Plaintiff,

vs.

STATE OF CALIFORNIA,

Defendant.

CASE NO. CV F 10-0470 LJO SKO

ORDER TO DENY REQUEST TO DISMISS
(Doc. 20.)

On April 27, 2010, pro se plaintiff Robert Townsend (“Mr. Townsend”) filed his notice to attempt to dismiss this action without prejudice. This Court’s April 21, 2010 order dismissed with prejudice this action against three of four defendants. Remaining defendant Applied Concepts, Inc. filed an answer to Mr. Townsend’s complaint. Mr. Townsend’s attempt to dismiss fails to comply with F.R.Civ.P. 41(a)(1)(A)(ii), which requires a stipulation signed by a defendant who has filed an answer. As such, this Court DENIES dismissal of this action against defendant Applied Concepts, Inc. in the absence of compliance with F.R.Civ.P. 41(a)(1)(A)(ii). This Court will entertain a stipulation which satisfies F.R.Civ.P. 41(a)(1)(A)(ii).

This Court reiterates that it will not tolerate Mr. Townsend’s further meritless filings or abuse of the judicial process. This Court again ADMONISHES Mr. Townsend that it will impose monetary and/or other sanctions on Mr. Townsend if he continues to vex a defendant and this Court and/or engages in abuse of the judicial process. This Court FURTHER ADMONISHES Mr. Townsend to obey the Federal Rules of Civil Procedure and this Court’s Local Rules.

IT IS SO ORDERED.

Dated: April 29, 2010

/s/ Lawrence J. O'Neill

UNITED STATES DISTRICT JUDGE

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