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UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

DOUGAL SAMUELS,  
  
Plaintiff,  
  
v.  
  
PAM AHLIN, et al.,  
  
Defendants.

Case No. 1:10-cv-00585-DAD-EPG (PC)  
ORDER RE: PLAINTIFF’S REQUEST FOR  
DISMISSAL OF COUNTY DEFENDANTS  
(ECF NO. 140)

On October 2, 2019, Plaintiff filed a request to dismiss Borgeas, Maqsiq,<sup>1</sup> Mendes, Pacheco, and Quintero (the County Defendants) with prejudice. (ECF No. 140). Plaintiff filed this request stating that he does not need a court order to dismiss these defendants. However, not all defendants signed the request for dismissal, which is required for a voluntarily dismissal without a court order in this instance. Federal Rule of Civil Procedure 41(a)(1)(A)(i), (ii).<sup>2</sup>

Accordingly, the Court will give Defendants seven days from the date of this order to either file a notice that they stipulate to the dismissal of the County Defendants or to file an opposition to the request for dismissal. If all defendants stipulate to dismissal, the Court will treat Plaintiff’s request as a voluntary dismissal under 41(a)(1)(A)(ii). If any defendant does not stipulate to the

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<sup>1</sup> According to counsel for the County Defendants, the proper spelling of this name is “Magsig.”  
<sup>2</sup> The Court notes that counsel for County Defendants agreed to dismissal orally on the record at the September 25, 2019 status conference.

1 dismissal, then Court will treat the request as a motion under 41(a)(2).

2 Accordingly, IT IS ORDERED that Defendants have seven days from the date of service of  
3 this order to:

- 4 1. File a notice that they stipulate to dismissal of the County Defendants; or
- 5 2. File an opposition to the request for dismissal.

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7 IT IS SO ORDERED.

8 Dated: October 3, 2019

/s/ Eric P. Gray  
9 UNITED STATES MAGISTRATE JUDGE

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