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4 UNITED STATES DISTRICT COURT  
5 EASTERN DISTRICT OF CALIFORNIA  
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7 DURRELL ANTHONY PUCKETT,

8 Plaintiff,

9 vs.

10 CCI TEHACHAPI, et al.,

11 Defendants.

1:10-cv-02160-LJO-GSA-PC

ORDER APPROVING PLAINTIFF'S  
NOTICE OF VOLUNTARY DISMISSAL OF  
DEFENDANT MCBRIDE, WITH  
PREJUDICE, FROM THIS ACTION  
(Doc. 28.)

ORDER APPROVING STIPULATION TO  
DISMISS CASE AGAINST DEFENDANTS  
CARMONA, DOSER, EILERS, MUNOZ,  
WEBSTER, AND WILLIAMS, WITH  
PREJUDICE  
(Doc. 29.)

ORDER DISMISSING THIS ACTION IN ITS  
ENTIRETY, WITH PREJUDICE

ORDER FOR CLERK TO CLOSE CASE

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18 Durrell Anthony Puckett ("Plaintiff") is a state prisoner proceeding pro se with this civil  
19 rights action pursuant to 42 U.S.C. § 1983. This case now proceeds on the First Amended  
20 Complaint filed on May 9, 2013, against defendants T. Eilers, J. F. Munoz, and Gene Dozer for  
21 use of excessive force, against defendants R. Williams, H. Carmona, J. F. Munoz, and M.  
22 Webster for failure to protect Plaintiff, against defendant T. Eilers for subjecting Plaintiff to  
23 adverse conditions of confinement, and against defendants M. Webster, T. Eilers, Gene Doser,  
24 H. Carmona, and Erin K. McBride for retaliation. (Doc. 9.)

25 On January 26, 2015, Plaintiff filed a notice of voluntary dismissal of defendant  
26 McBride from this action, with prejudice, pursuant to Rule 41(a) of the Federal Rules of Civil  
27 Procedure. (Doc. 28.) On January 29, 2015, defendant McBride filed a written consent to the  
28 dismissal. (Doc. 31.)

1 On January 27, 2015, a stipulation to dismiss this case, with prejudice, against all other  
2 defendants who have appeared in this action -- defendants Carmona, Doser, Eilers, Munoz,  
3 Webster, and Williams -- under Rule 41(a)(1)(A)(ii) was filed with the court, containing the  
4 signatures of counsel for Plaintiff and counsel for defendants Carmona, Doser, Eilers, Munoz,  
5 Webster, and Williams. (Doc. 29.)

6 Rule 41(a)(1)(A)(2) provides that “the plaintiff may dismiss an action without a court  
7 order by filing a stipulation of dismissal signed by all parties who have appeared.” Under Rule  
8 41(a)(2), [e]xcept as provided in Rule 41(a)(1), an action may be dismissed at the plaintiff’s  
9 request only by court order, on terms that the court considers proper.”

10 In this case, given that Plaintiff has filed a notice of voluntary dismissal of defendant  
11 McBride from this action with prejudice, defendant McBride has consented in writing to this  
12 dismissal, and Plaintiff has stipulated with all other defendants who have appeared in this  
13 action to dismiss this action with prejudice, the court finds it proper to approve Plaintiff’s  
14 notice of dismissal and the stipulation of dismissal, and dismiss this case in its entirety, with  
15 prejudice.

16 Accordingly, IT IS HEREBY ORDERED that:

- 17 1. Plaintiff’s notice of voluntary dismissal of defendant McBride, with prejudice, is  
18 APPROVED;
- 19 2. The stipulation filed in this action on January 27, 2015, is APPROVED as set  
20 forth;
- 21 3. This case is DISMISSED in its entirety, with prejudice; and
- 22 4. The Clerk is directed to CLOSE this case.

23 IT IS SO ORDERED.

24 Dated: January 30, 2015

/s/ Lawrence J. O’Neill  
25 UNITED STATES DISTRICT JUDGE  
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