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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

TIMOTHY HOWARD,
Plaintiff,
v.
D. L. DeAZEVEDO, et al.,
Defendants.

Case No. 1:11-cv-00101-AWI-SKO (PC)

ORDER DENYING MOTION AS MOOT,
VACATING FINDINGS AND
RECOMMENDATIONS AS MOOT, AND
DISMISSING ACTION, WITH PREJUDICE,
PURSUANT TO THE PARTIES' NOTICE
OF VOLUNTARY DISMISSAL


(Docs. 105, 109, and 110)

On September 28, 2015, the parties filed a stipulation for voluntary dismissal, with prejudice, with each party bearing his own litigation costs and attorney's fee.¹ Pursuant to Fed. R. Civ. P. 41(a)(1)(A)(ii), this case has no closed.

Accordingly, Defendants' pending motion to enforce the settlement agreement is DENIED as moot, the pending findings and recommendations are VACATED as moot, and the Clerk of the Court shall close this case pursuant to the parties' stipulation for voluntary dismissal with prejudice.

IT IS SO ORDERED.

Dated: October 2, 2015



SENIOR DISTRICT JUDGE

¹ Plaintiff Timothy Howard and Defendants DeAzevedo, Paz, Stephens, and James.