

1 prejudice.

2 Here, Defendant Duvall has appeared in the action. (ECF Nos. 11, 30.) The
3 parties have litigated a motion to dismiss, and Defendant Duvall has filed an answer to
4 Plaintiff's Complaint. (ECF Nos. 12, 19, 23, 29, 30.) Plaintiff's notice does not contain a
5 stipulation of dismissal by both parties, and Defendant Duvall has not filed a response to
6 Plaintiff's notice of voluntary dismissal.

7 Accordingly, it is HEREBY ORDERED that:

8 Defendant Duvall shall respond within **fourteen days** of service of this order to
9 Plaintiff's notice of voluntary dismissal and state whether he opposes
10 dismissal of the action with prejudice pursuant to Federal Rule of Civil
11 Procedure 41(a)(2).

12
13 IT IS SO ORDERED.

14
15 Dated: December 3, 2015

/s/ Michael J. Seng
16 UNITED STATES MAGISTRATE JUDGE