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

HICA EDUCATION LOAN  
CORPORATION,

CASE NO. CV F 12-1140 LJO SMS

Plaintiff,

**ORDER TO DENY DISMISSAL**  
(Doc. 7.)

vs.

DAVID MEYERS,

Defendant.

\_\_\_\_\_ /

Plaintiff filed a notice of dismissal to attempt to dismiss this action and which fails to comply with F.R.Civ.P. 41(a)(1)(A)(ii), which requires a stipulation signed by a defendant who has answered or filed a summary judgment motion. The notice of dismissal is plaintiff's attempt to unilaterally dismiss this action, and lacks the necessary signature of defendant. As such, this Court DENIES dismissal of this action in the absence of compliance with F.R.Civ.P. 41(a)(1)(A)(ii). This Court ORDERS the parties, no later than **September 28, 2012**, to file either: (a) a stipulation which satisfies F.R.Civ.P. 41(a)(1)(A)(ii) and a proposed order to dismiss this action in its entirety; or (b) papers to show good cause why the parties have failed to comply with F.R.Civ.P. 41(a)(1)(A)(ii).

This Court ADMONISHES counsel to obey the Federal Rules of Civil Procedure and this Court's Local Rules and orders. This Court FURTHER ADMONISHES counsel that failure to comply with this order in the absence of good cause will result in imposition of sanctions, including monetary sanctions and/or dismissal of this action with or without prejudice.

IT IS SO ORDERED.

**Dated: September 13, 2012**

/s/ Lawrence J. O'Neill  
UNITED STATES DISTRICT JUDGE