

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

PEN CHAN and J.C., a minor by and
through his Guardian Ad Litem,
YOLANDA TORRES,) Case No. 1:12-CV-01909-AWI-GSA
Plaintiffs,) ORDER FOR DISMISSAL OF DEFENDANT
v.) UNITED STATES OF AMERICA AND
DOCTORS HOSPITAL MODESTO,) REMAND TO STATE COURT
et al.,)
Defendants.)

Based on the stipulation of the parties filed herein on February 8, 2013, IT IS HEREBY ORDERED that the complaint is dismissed against defendant United States of America,¹ with prejudice, pursuant to Rule 41(a)(1)(ii) of the Federal Rules of Civil Procedure.

Upon dismissal of the United States, the Court has no further jurisdiction over this action. Accordingly, IT IS FURTHER ORDERED that the remainder of this action, to wit, Plaintiffs claims against Defendants Doctors Medical Center of Modesto, Inc. (erroneously sued herein as Doctors Hospital Modesto), Fred Adams, M.D., and non-federal Does 1 through 20, inclusive, is hereby remanded back to Stanislaus County Superior Court pursuant to 28 U.S.C. § 1447(c).

IT IS SO ORDERED.

Dated: February 8, 2013

SENIOR DISTRICT JUDGE

¹ On May 18, 2012, the United States of America was substituted in lieu of party defendant Sylvia Diego, M.D., pursuant to the Federal Tort Claims Act, 28 U.S.C. § 2679(d), whereby all claims against Dr. Diego were dismissed with prejudice. *See Doc. #2.*

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