

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

D.L., a minor by and through his Guardian
Ad Litem, KARI ANN JUNIO,

Plaintiff,

v.

MARGARET VASSILEV, M.D.; *et al.*,

Defendants.

Case No. 1:13-CV-00401-AWI-BAM

ORDER FOR DISMISSAL OF DEFENDANT
UNITED STATES OF AMERICA AND REMAND
TO STATE COURT

Based on the stipulation of the parties filed herein on May 20, 2013, IT IS HEREBY ORDERED that the amended complaint is dismissed against defendant United States of America,¹ without 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, pursuant to 28 U.S.C. § 1447(c), the remainder of this action, to wit, Plaintiff's claims against the non-federal defendants, is hereby remanded back to Tulare County Superior Court, where it was originally filed as *[D.L.] v. Margaret Vassilev, M.D. et al.*, Case No. 246425.

The parties shall bear their own court costs and attorney's fees.

IT IS SO ORDERED.

IT IS SO ORDERED.

Dated: May 20, 2013



SENIOR DISTRICT JUDGE

¹ On March 18, 2013, the United States of America was substituted in lieu of party defendant Christopher Bencomo, M.D., pursuant to the Federal Tort Claims Act, 28 U.S.C. § 2679(d), whereby all claims against Dr. Bencomo were dismissed with prejudice. *See* Doc. #2.