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**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA**

<p>G. J. GUTIERREZ,</p> <p style="padding-left: 40px;">Plaintiff,</p> <p style="text-align: center;">v.</p> <p>A. GUTIERREZ,</p> <p style="padding-left: 40px;">Defendant.</p>	<p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p>	<p>Case No.: 1:13-cv-00421-SAB (PC)</p> <p><b>ORDER DIRECTING CLERK OF COURT TO CLOSE CASE PURSUANT TO PARTIES' STIPULATION FOR VOLUNTARY DISMISSAL</b></p> <p>(ECF No. 153)</p>
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Plaintiff G. J. Gutierrez is a state prisoner proceeding pro se and in forma pauperis in this civil rights action pursuant to 42 U.S.C. § 1983.

On November 28, 2017, the parties filed a stipulation to dismiss this action with prejudice pursuant to Rule 41(a)(1)(A)(ii) of the Federal Rules of Civil Procedure. (ECF No. 153.) Plaintiff reserves the right to re-open this case if, within six months of the entry of this order, payment is not received pursuant to the parties' agreement.

Rule 41(a)(1)(A)(ii) provides in pertinent part that, "the plaintiff may dismiss an action without a court order by filing . . . a stipulation of dismissal signed by all parties who have appeared. A voluntary stipulation to dismiss an action pursuant to Rule 41(a)(1)(A)(ii) automatically terminates the action without operation of a court order. Black Rock City, LLC v. Pershing Cty. Bd. of Comm'rs, 637 F. App'x 488 (9th Cir. 2016) (citing Commercial Space Mgmt. Co. v. Boeing Co., 193 F.3d 1074, 1077 (9th Cir. 1999)). Here, counsel for all parties in this action have signed and dated a stipulation to dismiss this action, and filed it with the Court.

