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

|                              |   |  |
|------------------------------|---|--|
| RICHARD NUWINTORE,           | ) | Case No.: 1:13-cv-0967 - AWI - JLT     |
|                              | ) |  |
| Plaintiff,                   | ) | ORDER DIRECTING THE PARTIES TO FILE AN |
|                              | ) | AMENDED STIPULATION PURSUANT TO        |
| v.                           | ) | RULE 41                                |
|                              | ) |  |
| UNITED STATES OF AMERICA and | ) | (Doc. 147)                             |
| MANAGEMENT & TRAINING        | ) |  |
| CORPORATION,                 | ) |  |
|                              | ) |  |
| Defendants.                  | ) |  |

On July 19, 2018, Richard Nuwintore and the United States of America stipulated to the dismissal of “all claims by Richard Nuwintore against the United States as alleged in the First Amended Complaint,” pursuant to Federal Rules of Civil Procedure 41(a)(1). (Doc. 147 at 1) Significantly, however, the stipulation was signed only by the attorneys for Plaintiff and the United States of America. (*Id.* at 2) The stipulation was not signed by a representative of Management & Training Corporation. (*See id.*)

Pursuant to Rule 41(a)(1), “the plaintiff may dismiss an action without a court order by filing ... a stipulation of dismissal signed by *all* parties who have appeared.” Fed. R. Civ. P. 41(a)(1)(A)(ii) (emphasis added) Because Management & Training Corporation is also a defendant that appeared in this action, the submitted stipulation fails to comply with the requirements of Rule 41 to effect dismissal of the claims against the Government without a court order.

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Accordingly, the Court **ORDERS**:

1. The request to dismiss Plaintiff's claims against the Government is **DENIED**; and
2. The parties **SHALL** file an amended stipulation, signed by all parties or a motion to dismiss the United States, no later than **August 10, 2018**.

IT IS SO ORDERED.

Dated: July 28, 2018

/s/ Jennifer L. Thurston  
UNITED STATES MAGISTRATE JUDGE