

1 dismissal without prejudice be conditioned on (1) Plaintiff paying Defendants' costs for this action if
2 he refiles this action, and (2) staying any subsequent proceedings until Plaintiff has complied. Fed. R.
3 Civ. Proc. 41(d).

4 On May 15, 2015, Plaintiff responded to Defendants' request and agreed to dismiss the action
5 with prejudice.

6 As Defendants have appeared in this action, the action may be dismissed at Plaintiff's request
7 only by Court order, and only on terms that the Court considers just and proper. Fed. R. Civ. Proc.
8 41(a)(2). Based on the parties' agreement to dismiss this action with prejudice, the Court will grant
9 Plaintiff's request for voluntary dismissal.

10 Accordingly, IT IS HEREBY ORDERED that:

- 11 1. The Findings and Recommendations (Documents 26 and 27) are VACATED;
- 12 2. Plaintiff's notice of voluntary dismissal is GRANTED; and
- 13 3. This action is DISMISSED WITH PREJUDICE.

14 This terminates this action in its entirety.

15 IT IS SO ORDERED.

16 Dated: May 18, 2015

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