UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

JOSE AUGUSTINE MAYORGA, Plaintiff, v. ESLICK, et al., Defendants.	**Case No. 1:14-cv-00099-LJO-SKO (PC)** **ORDER DISMISSING ACTION WITHOUT PREJUDICE PER PARTIES' STIPULATION** **(Doc. 44)**

Plaintiff, Jose Augustine Mayorga, is a state prisoner proceeding *pro se* and *in forma pauperis* in this civil rights action pursuant to 42 U.S.C. § 1983.

On March 28, 2016, the parties submitted a fully executed stipulation for voluntary dismissal without prejudice per Federal Rule of Civil Procedure 41(a)(2) and, consistent with Rule 41(d), Defendants retain the right to seek payment of all fees, costs, and expenses incurred in this action if Plaintiff subsequently re-flies a complaint against Defendants based on or including the same claims raised in this action. (Doc. 330.)

In accordance with the parties' stipulation, it is HEREBY ORDERED that this action is dismissed without prejudice and the Clerk of the Court is ordered to close the case.

IT IS SO ORDERED.

Dated: **March 29, 2016**

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