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

10 MICHAEL STEVEN KING,) Case No.: 1:14-cv-00111-SAB (PC)
11)
12 Plaintiff,) ORDER DIRECTING CLERK OF COURT TO
13 v.) CLOSE CASE PURSUANT TO PARTIES'
14 S. DEATHRIAGE, et al.,) STIPULATION FOR VOLUNTARY DISMISSAL
15) (ECF No. 106)
16 Defendants.)
_____)

17 Plaintiff Michael Steven King is appearing pro se and in forma pauperis in this civil rights
18 action pursuant to 42 U.S.C. § 1983. This case proceeds on Plaintiff's claims against Defendants
19 Deathriage, Martinez, and Briones for excessive force in violation of the Eighth Amendment. Pursuant
20 to 28 U.S.C. § 636(c), the parties have consented to the jurisdiction of the undersigned. (ECF Nos. 5,
21 80); Local Rule 302.

22 On June 22, 2017, the parties filed a stipulation to dismiss this action pursuant to Rule
23 41(a)(1)(A)(ii) of the Federal Rules of Civil Procedure. (ECF No. 106.)

24 Rule 41(a)(1)(A)(ii) provides that, "[s]ubject to Rules 23(e), 23.1(c), 23.2, and 66 and any
25 applicable federal statute, the plaintiff may dismiss an action without a court order by filing . . . a
26 stipulation of dismissal signed by all parties who have appeared." Rules 23, 23.1, 23.2 relate to certain
27 representative actions, and Rule 66 relates to actions involving a receiver, and are therefore
28 inapplicable in this case.

1 A voluntary stipulation to dismiss an action pursuant to Rule 41(a)(1)(A)(ii) automatically
2 terminates the action without operation of a court order. Black Rock City, LLC v. Pershing Cty. Bd. of
3 Comm'rs, 637 F. App'x 488 (9th Cir. 2016) (citing Commercial Space Mgmt. Co. v. Boeing Co., 193
4 F.3d 1074, 1077 (9th Cir. 1999)). Here, Plaintiff and counsel for the sole defendant in this action have
5 signed and dated a stipulation to dismiss this action, and filed it with the Court.

6 Accordingly, this action has been DISMISSED pursuant to the parties' stipulation. The Clerk
7 of the Court is HEREBY ORDERED to CLOSE the file in this case and adjust the docket to reflect the
8 dismissal pursuant to Rule 41(a)(1)(A)(ii). It is FURTHER ORDERED that the trial date of July 11,
9 2017, all pending deadlines and hearings, and all other matters in this action are VACATED.

10
11 IT IS SO ORDERED.

12 Dated: June 23, 2017


UNITED STATES MAGISTRATE JUDGE