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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

TRACY LEE STEWART,
Plaintiff,
v.
K. HOLLAND, et al.,
Defendants.

Case No. 1:14-cv-00322-DAD-BAM (PC)
ORDER REGARDING STIPULATION OF
VOLUNTARY DISMISSAL WITH
PREJUDICE PURSUANT TO FED. R. CIV. P.
41(a)(1)(A)(ii)
(ECF No. 77)

Plaintiff Tracy Lee Stewart is a state prisoner proceeding *pro se* and *in forma pauperis* in this civil rights action pursuant to 42 U.S.C. § 1983.

Currently before the Court is a stipulation for voluntary dismissal with prejudice, filed on April 8, 2019. (ECF No. 77). The stipulation states that, since Plaintiff and Defendants Jose Serna, Terry Langhardt, and Scott Carey have resolved this case in its entirety, the parties stipulate to a dismissal of this action pursuant to Federal Rule of Civil Procedure 41(a)(1)(A)(ii). The stipulation also states that each party shall bear its own litigation costs and attorney’s fees. Finally, the stipulation is signed and dated by Plaintiff and counsel for all Defendants who have appeared in this action.

“The plaintiff may dismiss some or all of the defendants, or some or all of his claims, through a Rule 41(a)(1) notice. The filing of a notice of voluntary dismissal with the court automatically terminates the action as to the defendants who are the subjects of the notice.”

1 Wilson v. City of San Jose, 111 F.3d 688, 692 (9th Cir. 1997) (citations omitted).

2 Accordingly, this action is terminated by operation of law without further order from the
3 Court. Fed. R. Civ. P. 41(a)(1)(A)(ii). The Clerk of the Court is directed to terminate all pending
4 motions and deadlines and close this case.

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6 IT IS SO ORDERED.

7 Dated: April 18, 2019

/s/ Barbara A. McAuliffe
UNITED STATES MAGISTRATE JUDGE

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