

1  
2  
3  
4  
5  
6 **UNITED STATES DISTRICT COURT**  
7 **EASTERN DISTRICT OF CALIFORNIA**  
8

9 **D.L., a minor by and through his guardian**  
10 **ad litem Kari Ann Junio,**

11 **Plaintiff**

12 **v.**

13 **MARGARET VASSILEV, M.D., et al.,**

14 **Defendant**

**CASE NO. 1:14-CV-0824 AWI BAM**

**ORDER ON REQUEST FOR  
DISMISSAL OF DEFENDANTS  
PLUNKETT, BRACKETT, AND  
BROWN**

(Doc. No. 66)

15  
16  
17 This case was removed from the Tulare County Superior Court on May 30, 2014. See  
18 Doc. No. 1. T. Plunkett, D. Brackett, and B. Brown (collectively “Nurse Defendants”) are named  
19 as Defendants on the docket. There has been no appearance by the Nurse Defendants to date.

20 On February 22, 2017, Plaintiff filed a request to dismiss Defendants T. Plunkett, D.  
21 Brackett, and B. Brown. See Doc. No. 66. As part of the request, Plaintiff included a copy of a  
22 dismissal dated March 14, 2013 from the Tulare County Superior Court. See Doc. No. 66-1. The  
23 dismissal shows that the Nurse Defendants were dismissed with prejudice. See id.

24 In light of the dismissal, it appears that the Nurse Defendants were erroneously included as  
25 active defendants during the removal process. The Nurse Defendants have not been active parties  
26 in this case since March 2013. In order for the docket to conform to the actual status of the parties  
27 in this litigation, the Court will acknowledge the prior dismissal and order the Clerk to terminate  
28 the Nurse Defendants from the docket.

**ORDER**

Accordingly, IT IS HEREBY ORDERED that:

1. Plaintiff's request to dismiss (Doc. No. 66) is GRANTED in that Defendants T Plunkett, D. Brackett, and B. Brown were previously dismissed with prejudice from this case by the Tulare County Superior Court prior to the May 30, 2014 removal; and
2. The Clerk shall identify Defendants T. Plunkett, D. Brackett, and B. Brown as TERMINATED from this litigation.

IT IS SO ORDERED.

Dated: February 22, 2018

  
\_\_\_\_\_  
SENIOR DISTRICT JUDGE