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UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

GEORGE MCCLURE,  
  
Plaintiff,  
  
v.  
  
C.K. CHEN, et al.,  
  
Defendants.

No. 1:14-cv-00932-DAD-GSA

ORDER DIRECTING THE CLERK OF THE  
COURT TO DISMISS DEFENDANT  
HORTON AND ALL CLAIMS AGAINST  
HIM, UNDER RULE 41, WITH PREJUDICE

(Doc. No. 83)

Plaintiff George McClure is a state prisoner proceeding *pro se* and *in forma pauperis* with this civil rights action pursuant to 42 U.S.C. §1983. This action is proceeding on plaintiff’s first amended complaint, filed on February 9, 2015, against defendant C.K. Chen and C. Horton (collectively “defendants”) for providing inadequate medical care in violation of the Eighth Amendment. (Doc. No. 12.)

On March 21, 2019, a stipulation for voluntary dismissal of defendant Horton and all claims brought against him by plaintiff under Federal Rule of Civil Procedure 41(a)(1)(A)(ii), with prejudice, was filed with the court, reflecting the signatures of the *pro se* plaintiff and counsel for defendants C.K. Chen and C. Horton. (Doc. No. 83.) Federal Rule of Civil Procedure 41(a)(1)(A)(ii) allows plaintiffs to “dismiss an action without a court order by filing a stipulation of dismissal signed by all parties who have appeared.” The stipulation filed on March

1 21, 2019 is signed by all parties who have appeared in this case. Therefore, the parties'  
2 stipulation is given full force and effect, and defendant Horton and all claims against him are  
3 dismissed from this case with prejudice as of the date the stipulation was filed. The Clerk of the  
4 Court shall reflect the dismissal of defendant Horton on the court's docket in this action.

5 Accordingly,

- 6 1. The parties' stipulation for voluntary dismissal of defendant Horton and all the claims  
7 against him is effective as of the date it was filed;
- 8 2. Defendant Horton and all the claims against him in this case have been dismissed with  
9 prejudice; and
- 10 3. The Clerk of the Court is directed to reflect the dismissal of defendant Horton on the  
11 court's docket in this action.

12 IT IS SO ORDERED.

13 Dated: May 20, 2019

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16 UNITED STATES DISTRICT JUDGE  
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