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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

TOMMIE LEE BAKER,

 Plaintiff,

 v.

J. ALVA, et al.,

 Defendants.

CASE NO. 1:14-cv-01020-AWI-MJS (PC)

**ORDER DIRECTING DEFENDANT TO
RESPOND TO PLAINTIFF’S MOTION TO
DISMISS**

(ECF No. 26)

FOURTEEN (14) DAY DEADLINE

Plaintiff is a state prisoner proceeding pro se and in forma pauperis in this civil rights action brought pursuant to 42 U.S.C. § 1983. The action proceeds against Defendants Alva, Mendoza, Franco, and O’Daniels on Plaintiff’s Eighth Amendment failure to protect claim. (ECF Nos. 11 & 13.)

On March 13, 2015, Plaintiff filed a motion to dismiss the action with prejudice on the ground he no longer has any dispute with Defendants requiring resolution by the Court. (ECF No. 26.)

Where a defendant has appeared in the action by filing an answer, Plaintiff may dismiss the action only by stipulation signed by all parties who have appeared or by court order on terms the Court deems proper. Fed. R. Civ. P. 41(a). Here, Defendants have filed an answer. (ECF No. 19.) No stipulation for dismissal is before the Court.

Accordingly, Defendants are HEREBY DIRECTED to file and serve a response to Plaintiff’s dismissal motion within fourteen days of this order, advising the Court whether

1 they oppose dismissal as proposed. The motion will be held under submission pending
2 Defendants' response.

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4 IT IS SO ORDERED.

5 Dated: April 7, 2015

1st Michael J. Seng
UNITED STATES MAGISTRATE JUDGE

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