UNITED STATES DISTRICT COURT EASTERN DISTRICT OF CALIFORNIA

| RICARDO VERDUZCO, Plaintiff, v. | Case No.: 1:14-cv-01083-AWI-SAB (PC) ORDER DIRECTING CLERK OF COURT TO CLOSE CASE PURSUANT TO PARTIES' STIPULATION FOR VOLUNTARY DISMISSAL, WITH PREJUDICE (ECF No. 36) |
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| S. ROUSSEAU, Defendant. | |

Plaintiff Ricardo Verduzco is appearing pro se and in forma pauperis in this civil rights action pursuant to 42 U.S.C. § 1983. This case proceeds on Plaintiff's claim against Defendant Rousseau for a due process violation related to his disciplinary hearing, and for retaliation in violation of the First Amendment.

On November 13, 2017, the parties filed a stipulation to dismiss this action, with prejudice, pursuant to Rule 41(a)(1)(A)(ii) of the Federal Rules of Civil Procedure. (ECF No. 36.)

Rule 41(a)(1)(A)(ii) provides in pertinent part that "the plaintiff may dismiss an action without a court order by filing . . . a stipulation of dismissal signed by all parties who have appeared." A voluntary stipulation to dismiss an action pursuant to Rule 41(a)(1)(A)(ii) automatically terminates the action without operation of a court order. Black Rock City, LLC v. Pershing Cty. Bd. of Comm'rs, 637 F. App'x 488 (9th Cir. 2016) (citing Commercial Space Mgmt. Co. v. Boeing Co., 193 F.3d 1074, 1077 (9th Cir. 1999)). In this case, Plaintiff and counsel for the sole defendant in this action have signed and dated a stipulation to dismiss this action, with prejudice, and filed it with the Court.

Accordingly, this action has been DISMISSED, WITH PREJUDICE, pursuant to the parties' stipulation. The Clerk of the Court is HEREBY ORDERED to CLOSE the file in this case and adjust the docket to reflect the dismissal, with prejudice, pursuant to Rule 41(a)(1)(A)(ii). IT IS SO ORDERED. **November 14, 2017** Dated: UNITED STATES MAGISTRATE JUDGE