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8 UNITED STATES DISTRICT COURT
9 EASTERN DISTRICT OF CALIFORNIA
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11 JOHNNY G. BRIONES,

12 Plaintiff,

13 vs.

14 S. FLORES, et al.,

15 Defendants.
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1:14-cv-01479-GSA-PC

ORDER GIVING FULL EFFECT TO
STIPULATION TO DISMISS CASE, WITH
PREJUDICE, UNDER RULE 41
(ECF No. 45.)

ORDER FOR CLERK TO CLOSE CASE

17 Johnny G. Briones is a state prisoner proceeding *pro se* in this civil rights action
18 brought pursuant to 42 U.S.C. § 1983. The case proceeds with Plaintiff's First Amended
19 Complaint filed on May 22, 2015, against Defendant S. Flores, for the use of excessive force in
20 violation of the Eighth Amendment.¹ The parties to this action have consented to Magistrate
21 Judge jurisdiction under 28 U.S.C. § 636(c). (ECF Nos. 4, 39.) Therefore, the undersigned
22 shall conduct all further proceedings, including trial and entry of final judgment.

23 On December 20, 2016, a stipulation for voluntary dismissal with prejudice was filed
24 with the Court, containing the signatures of Plaintiff and Counsel for Defendant S. Flores.
25 (ECF No. 45.) The stipulation states that Plaintiff Johnny G. Briones and Defendant S. Flores
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27 ¹ On August 26, 2016, the Court granted Defendants' motion for partial summary judgment and
28 dismissed Plaintiff's claims against defendants Walker, Jericoff, Catlett, Arrequin, and Gonzales, without
prejudice, for failure to exhaust administrative remedies. (ECF No. 43.) Therefore, the only Defendant left in this
case is Defendant S. Flores.

1 have resolved this case in its entirety and therefore stipulate to a dismissal of this action with
2 prejudice under Federal Rule of Civil Procedure 41(a)(1)(A)(ii).

3 Federal Rule of Civil Procedure 41(a)(1)(A)(ii) allows plaintiffs to “dismiss an action
4 without a court order by filing a stipulation of dismissal signed by all parties who have
5 appeared.” The stipulation filed on December 20, 2016 is signed by all parties who have
6 appeared in this case. Therefore, the parties’ stipulation is given full force and effect, and this
7 case is dismissed with prejudice. The Clerk shall close the case.

8 Accordingly, IT IS HEREBY ORDERED that:

- 9 1. The parties’ stipulation for voluntary dismissal of this action with prejudice is
10 effective as of the date it was filed;
- 11 2. This case is DISMISSED WITH PREJUDICE under Rule 41; and
- 12 3. The Clerk of the Court is directed to close this case.

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14 IT IS SO ORDERED.

15 Dated: December 29, 2016

16 /s/ Gary S. Austin
17 UNITED STATES MAGISTRATE JUDGE
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