

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

CHARLES W. WINDHAM,

 Plaintiff,

 v.

MARIN , et al.,

 Defendants.

Case No. 1:14-cv-01636-DAD-BAM (PC)

ORDER DISREGARDING PLAINTIFF’S
OPPOSITION, DECLARATION IN
SUPPORT, AND SUPPLEMENTAL
ADDENDUM TO OPPOSITION

(ECF Nos. 149, 150, 151)

Plaintiff Charles W. Windham (“Plaintiff”) is a state prisoner who proceeded *pro se* and *in forma pauperis* in this civil rights action pursuant to 42 U.S.C. § 1983.

On April 5, 2018, Plaintiff filed a notice of voluntary dismissal of this action and request to cancel the scheduled evidentiary hearing and related transport order. (ECF No. 144.) Pursuant to that notice, the Court directed the parties to meet and confer to clarify their intent with respect to dismissal of this action and whether such dismissal would be with or without prejudice. Defendants were further directed to file: (1) a response to Plaintiff’s notice; (2) a stipulation to dismiss this action; **or** (3) if the parties did not intend to seek dismissal of this action, a statement setting forth the witnesses and documents Defendants intended to present at the scheduled evidentiary hearing. (ECF No. 145.)

On April 12, 2018, Defendants filed a stipulation for voluntary dismissal, with prejudice, signed by Plaintiff and counsel for all Defendants who have appeared in this action. (ECF No.

1 146.) In addition, on April 13, 2018, Defendants filed a response to Plaintiff's notice of voluntary
2 dismissal. (ECF No. 147.)

3 On April 16, 2018, the Court issued an order vacating the scheduled evidentiary hearing
4 pursuant to the parties' stipulation for voluntary dismissal. (ECF No. 148.) This action was
5 terminated by operation of law without further order from the Court. Fed. R. Civ. P.
6 41(a)(1)(A)(ii). The case was closed the same date.

7 On April 23, 2018, Plaintiff filed an opposition to Defendants' response to his notice of
8 voluntary dismissal, as well as a declaration filed in support of his opposition. (ECF Nos. 149,
9 150.) On April 25, 2018, Plaintiff also filed a supplemental addendum to his opposition, which is
10 comprised of more than 130 pages of exhibits. (ECF No. 151.) Upon review of these filings, it
11 does not appear that Plaintiff raises any objection or opposition to the dismissal of this action or
12 to the filing of the stipulation for voluntary dismissal. Plaintiff does not request any particular
13 relief.

14 As noted above, the stipulation for voluntary dismissal signed by Plaintiff and counsel for
15 Defendants terminated this action by operation of law without further order from the Court. Fed.
16 R. Civ. P. 41(a)(1)(A)(ii). There are no pending motions or deadlines in this matter, which
17 remains closed.

18 Accordingly, Plaintiff's opposition, declaration in support, and supplemental addendum,
19 (ECF Nos. 149, 150, 151), are HEREBY DISREGARDED.

20
21 IT IS SO ORDERED.

22 Dated: April 30, 2018

/s/ Barbara A. McAuliffe
23 UNITED STATES MAGISTRATE JUDGE