UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

WILLIAM BIRDSALL, Plaintiff, v. JAMES, Defendant.	Case No. 1:14-cv-01738-DAD-BAM (PC) ORDER REGARDING STIPULATION FOR VOLUNTARY DISMISSAL, WITH PREJUDICE (ECF No. 55)

Plaintiff William Birdsall ("Plaintiff") is a state prisoner proceeding *pro se* and *in forma pauperis* in this civil rights action pursuant to 42 U.S.C. § 1983. On November 19, 2018, defense counsel filed a stipulation for voluntary dismissal with prejudice pursuant to Federal Rule of Civil Procedure 41(a)(1)(A)(ii). (ECF No. 55.) The stipulation is signed by Plaintiff and counsel for Defendant James, indicating that Plaintiff has agreed to voluntarily dismiss Defendant James from this matter with prejudice, the parties so stipulate, and each party shall bear its own litigation costs and attorney's fees.

Accordingly, as Defendant James is the only remaining defendant in this action, and in light of the parties' voluntary dismissal of Defendant James, this action is terminated by operation of law without further order from the Court. Rule 41(a)(1)(A)(ii). Each party shall bear his or her own litigation costs and attorney's fees. The Clerk of the Court is directed to close this case.

IT IS SO ORDERED.

Dated: **November 20, 2018**

/s/ Barbara A. McAuliffe
UNITED STATES MAGISTRATE JUDGE