

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

STEPHEN HACKETT,
Plaintiff,
v.
TOOR, et al.,
Defendants.

Case No. 1:15-cv-00670-DAD-BAM (PC)
**ORDER REGARDING STIPULATION FOR
VOLUNTARY DISMISSAL, WITH
PREJUDICE**
(ECF No. 52)

Plaintiff Stephen Hackett (“Plaintiff”) is a state prisoner proceeding *pro se* and *in forma pauperis* in this civil rights action under 42 U.S.C. § 1983. Currently pending are the Court’s findings and recommendations to grant Defendant Toor’s motion for summary judgment for failure to exhaust administrative remedies. (ECF No. 49.)

On August 29, 2018, Plaintiff filed a “Motion to Abandon All Claims for Relief.” (ECF No. 50.) Pursuant to that notice, the Court directed the parties to meet and confer to clarify their intent with respect to dismissal of this action, whether such dismissal would be with or without prejudice, and to file a response or stipulation accordingly. (ECF No. 145.)

Currently before the Court is a stipulation for voluntary dismissal of this action with prejudice pursuant to Federal Rule of Civil Procedure 41(a)(1)(A)(ii), filed by defense counsel. (ECF No. 52.) The stipulation is signed and dated by Plaintiff and counsel for Defendant Toor, and indicates that each party shall bear its own litigation costs and attorney’s fees.

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

Accordingly, this action is terminated by operation of law without further order from the Court. Fed. R. Civ. P. 41(a)(1)(A)(ii). The Clerk of the Court is directed to terminate all pending motions and deadlines and close this case.

IT IS SO ORDERED.

Dated: September 10, 2018

/s/ Barbara A. McAuliffe
UNITED STATES MAGISTRATE JUDGE