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**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA**

JARED VILLERY,) Case No.: 1:15-cv-00936-LJO-SAB (PC)
)
 Plaintiff,)
)
 v.) ORDER DISMISSING DEFENDANT R. MILLER,
) WITHOUT PREJUDICE, PURSUANT TO
 EDWARD GARCIA, et al.,) PARTIES' STIPULATION
)
 Defendants.) [ECF No. 59]
)
)
)

Plaintiff Jared Villery is appearing pro se and in forma pauperis in this civil rights action pursuant to 42 U.S.C. § 1983.

On September 1, 2016, the parties filed a stipulation to voluntary dismiss Defendant R. Miller, without prejudice, pursuant to Federal Rule of Civil Procedure 41(a)(1)(A)(ii).

Pursuant to the parties' stipulation, Defendant R. Miller is hereby dismissed from the action, without prejudice, pursuant to Federal Rule of Civil Procedure 41(a)(1)(A)(ii). There is no prevailing party in this action between Plaintiff and Defendant Miller. Plaintiff and Defendant Miller are each to bear his own costs, fees, and expenses of any kind associated with this action.

IT IS SO ORDERED.

Dated: September 15, 2016 /s/ Lawrence J. O'Neill
UNITED STATES CHIEF DISTRICT JUDGE