(PC) Lear v. Biter et al Doc. 127 1 2 3 4 5 6 7 8 UNITED STATES DISTRICT COURT 9 EASTERN DISTRICT OF CALIFORNIA 10 11 RODERICK WILLIAM LEAR, Case No. 1:15-cv-01903-DAD-HBK 12 Plaintiff. 13 v. ORDER OF VOLUNTARY DISMISSAL WITH PREJUDICE UNDER FED. R. CIV. 14 JOHNATHAN AKANNO, Medical Doctor P. 41(a)(1)(A)(ii)at Kern Valley State Prison, and 15 ORDER DIRECTING CLERK TO JENNIFER PALOMINO, Registered Nurse at Kern Valley State Prison, TERMINATE PENDING MOTIONS 16 Defendant. (Docs Nos. 116, 118, 122) 17 18 On January 5, 2021, the parties held a settlement conference with Magistrate Judge 19 Newman and reached a settlement. Doc. No. 123. Thereafter, the parties filed a Stipulation of Voluntary Dismissal pursuant to Fed. R. Civ. P. 41(a), noting the parties agree to a dismissal of 20 this action with prejudice with each party to bear their own respective fees and costs except as set 21 forth in the parties' settlement agreement and release. Doc. No. 124. As the parties have 22 appeared and have motions for summary judgment pending, the court construes the Stipulation as 23 filed under Fed. R. Civ. P. 41(a)(1)(A)(ii). On January 27, 2021, the parties appeared 24 telephonically before Magistrate Judge Newman and confirmed the settlement. Doc. No. 126. 25 Thus, as set forth in the parties' Stipulation, this case is dismissed with prejudice. See Id.; see also Wilson v. City of San Jose, 111 F.3d 688, 692 (9th Cir. 1997). 26 27 28 1

1	Accordingly:
2	1. This case is dismissed with prejudice under Fed. R. Civ. P. 41(a)(1)(A)(ii).
3	2. The Clerk of Court is directed to terminate all pending motions (Doc. Nos. 116,
4	118, 122) and deadlines, and respectfully close this case.
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6	IT IS SO ORDERED.
7	Dated: February 25, 2021 Alla M. Barch - Kuelle
8	HELENA M. BARCH-KUCHTA
9	UNITED STATES MAGISTRATE JUDGE
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