

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

MACK A WEST, Jr.,  
Plaintiff,  
v.  
HULBERT,  
Defendant.

**Case No. 1:16-cv-00046-DAD-JLT (PC)**  
**ORDER CLOSING THE ACTION**  
**(Docs. 62, 63)**

The plaintiff agreed to dismiss the action as to all defendants except Hulbert and settled the action as to this defendant. (Docs. 62, 63) Thus, the parties have stipulated to dismiss the action with prejudice with each side to bear their own fees and costs. (Doc. 63) The stipulation relies upon Fed.R.Civ.P. 41, which permits the plaintiff to dismiss an action without a court order “by filing . . . a stipulation of dismissal signed by all parties who have appeared.” Fed. R. Civ. P. 41(a)(1)(A)(ii). Because all parties who have appeared in the action signed the stipulation (Doc. 79), it “automatically terminate[d] the action.” Wilson v. City of San Jose, 111 F.3d 688, 692 (9th Cir. 1997). Accordingly, the Clerk of Court is **DIRECTED** to close this action.

IT IS SO ORDERED.

Dated: February 4, 2019

/s/ Jennifer L. Thurston  
UNITED STATES MAGISTRATE JUDGE