



1 Pursuant to Federal Rule of Civil Procedure 41(a)(2), and in light of Defendant's  
2 statement of non-opposition, the Court finds the terms of the dismissal proper. As the parties  
3 have not specified whether the dismissal is with or without prejudice, the Court finds that a  
4 dismissal without prejudice is appropriate. Fed. R. Civ. P. 41(a)(2).

5 Accordingly, IT IS HEREBY ORDERED as follows:

- 6 1. Plaintiff's motion to dismiss action, (ECF No. 68), is GRANTED;
- 7 2. This action is dismissed without prejudice;
- 8 3. The writ of habeas corpus ad testificandum directing the production of Edward Furnace,  
9 CDCR #H-33245, issued on October 12, 2021, (ECF No. 66) is VACATED; and
- 10 4. The Clerk of the Court is directed to:
  - 11 a. Serve a courtesy copy of this order by e-mail on the Litigation Coordinator at  
12 Pelican Bay State Prison, and on the Litigation Coordinator of any other  
13 institution(s) which require this information;
  - 14 b. Terminate all pending motions, hearings, and deadlines;
  - 15 c. Assign a District Judge to this case for the purpose of closing the case; and
  - 16 d. Close this case.

17  
18 IT IS SO ORDERED.

19 Dated: November 3, 2021

/s/ Barbara A. McAuliffe  
20 UNITED STATES MAGISTRATE JUDGE