

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

3
4 GEORGE E. JACOBS,

5 Plaintiff,

6 v.

7 S. HERNANDEZ, et al.,

8 Defendants.

1:16-cv-00595-AWI-GSA-PC

ORDER CLOSING CASE IN LIGHT OF RULE 41
STIPULATION FOR Y DISMISSAL WITH
PREJUDICE

(ECF No. 19.)

9
10 George E. Jacobs (“Plaintiff”) is a state prisoner proceeding *pro se* in this civil rights
11 action brought pursuant to 42 U.S.C. § 1983. On April 28, 2016, Plaintiff filed the Complaint
12 commencing this case. (ECF No. 1.) The court screened the Complaint and issued an order on
13 June 17, 2016, requiring Plaintiff to either file an amended complaint or notify the court that he
14 wishes to proceed on the claims found cognizable by the court. (ECF No. 8.) On September 6,
15 2016, Plaintiff filed the First Amended Complaint. (ECF No. 14.)

16 On June 30, 2017, a stipulation for voluntary dismissal with prejudice under Rule 41
17 was filed with the Court, containing the signatures of Plaintiff and Counsel for specially-
18 appearing California Department of Corrections and Rehabilitation (CDCR) on behalf of the
19 non-served Defendants. (ECF No. 19.) Therefore, pursuant to Federal Rule of Civil Procedure
20 41(a)(1), this has terminated automatically. See Fed. R. Civ. P. 41(a)(1)(A); Yesh Music v.
21 Lakewood Church, 727 F.3d 356, 362 (5th Cir. 2013); Commercial Space Mgmt. Co. v. Boeing
22 Co., 193 F.3d 1074, 1077 (9th Cir. 1999); Wilson v. City of San Jose, 111 F.3d 688, 692 (9th
23 Cir. 1997).

24 Accordingly, IT IS HEREBY ORDERED that Clerk shall CLOSE this case in light of
25 the properly filed and signed Rule 41(a)(1)(A) Stipulation Of Dismissal With Prejudice.
26 IT IS SO ORDERED.

27 Dated: July 19, 2017

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SENIOR DISTRICT JUDGE