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| 6 | UNITED STAT | ES DISTRICT COURT |
| 7 | EASTERN DISTRICT OF CALIFORNIA | |
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| 9 | JAMES O'NEAL, | Case No. 1:16-cv-01027-AWI-EPG |
| 10 | Plaintiff, | ORDER DISMISSING SECOND CAUSE OF ACTION OF THE COMPLAINT |
| 11 | V. | (ECF No. 16) |
| 12 | COUNTY OF TULARE, et al., | |
| 13 | Defendants. | |
| 14 | | |
| 15 | | |
| 16 | On August 11, 2017, Plaintiff filed a stipulation of dismissal signed by all parties to this | |
| 17 | action to dismiss the second cause of action of the complaint with prejudice. (ECF No. 16.) In | |
| 18 | light of the stipulation, the second cause of action has been dismissed. See Fed. R. Civ. P. | |
| 19 | 41(a)(1)(A)(ii); Commercial Space Mgmt. Co., Inc. v. Boing Co., Inc., 193 F.3d 1074, 1078 (9th | |
| 20 | Cir. 1999). | |
| 21 | Accordingly, IT IS HEREBY ORDERED that, pursuant to the stipulation of the parties, | |
| 22 | the second cause of action of the complaint is dismissed with prejudice. The respective parties | |
| 23 | shall each bear their own costs and attorneys' fees as to the second cause of action, only. | |
| 24 | | |
| 25 | IT IS SO ORDERED. | |
| 26 | Dated: August 14, 2017 | 1st Erici P. Groig |
| 27 | | UNITED STATES MAGISTRATE JUDGE |
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