

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

DAVID FLYNN,  
  
                                Plaintiff,  
  
                                v.  
  
CANLAS, et al.,  
  
                                Defendants.

Case No. 1:16-cv-01052-AWI-BAM (PC)  
  
**ORDER REGARDING STIPULATION OF  
DISMISSAL OF DEFENDANT N.  
MALAKKLA**  
  
(ECF No. 36)

Plaintiff David Flynn (“Plaintiff”) is a former state prisoner proceeding *pro se* and *in forma pauperis* in this civil rights action pursuant to 42 U.S.C. § 1983.

On May 22, 2018, Defendants filed a stipulation of dismissal of Defendant N. Malakkla, pursuant to Federal Rule of Civil Procedure 41(a)(1)(A)(ii). (ECF No. 36.) The stipulation provides that this action be dismissed, with prejudice, as to Defendant N. Malakkla, and indicates that each party shall bear its own attorney’s fees and costs. The stipulation is electronically signed by Plaintiff and counsel for Defendants.<sup>1</sup>

Accordingly, Defendant N. Malakkla is terminated from this action by operation of law without further order from the Court. Fed. R. Civ. P. 41(a)(1)(A)(ii).

IT IS SO ORDERED.

Dated: May 23, 2018

/s/ Barbara A. McAuliffe  
UNITED STATES MAGISTRATE JUDGE

---

<sup>1</sup> The filing includes a stipulation authorizing the Office of the Attorney General to file the Stipulation of Dismissal electronically and to enter an electronic signature on Plaintiff’s behalf.