

1 UNITED STATES DISTRICT COURT  
2 EASTERN DISTRICT OF CALIFORNIA  
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4 KIMBERLY SUE BIRD,  
5 Plaintiff,  
6 vs.  
7 WELLS FARGO BANK,  
8 Defendant.  
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Case No. 1:16-cv-01130-DAD-EPG  
ORDER DIRECTING CLERK TO CLOSE  
CASE  
(ECF No. 99)

10 On December 12, 2017, the parties filed a stipulation to dismiss this action with  
11 prejudice. (ECF No. 99.) All parties have agreed to the dismissal. *Id.* In light of the stipulation,  
12 the case has ended and is dismissed with prejudice and with fees and costs to be addressed  
13 pursuant to the parties' private agreement. *See* Fed. R. Civ. P. 41(a)(1)(A)(ii); *Wilson v. City of*  
14 *San Jose*, 111 F.3d 688, 692 (9th Cir. 1997); *Concha v. London*, 62 F.3d 1493, 1506 (9th Cir.  
15 1995) ("Even if the defendant has filed a motion to dismiss, the plaintiff may terminate his  
16 action voluntarily by filing a notice of dismissal under Rule 41(a)(1)."). Accordingly, the Clerk  
17 of the Court is DIRECTED to close this case.  
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19 IT IS SO ORDERED.

20 Dated: December 13, 2017

21 /s/ Eric P. Gray  
22 UNITED STATES MAGISTRATE JUDGE  
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