

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

BRAD MROZEK,

Case No. 1:16-cv-01308-SKO

Plaintiff,

**ORDER DISMISSING DEFENDANT
CALIFORNIA DEPARTMENT OF
CORRECTIONS AND
REHABILITATION**

v.

(Doc. 19)

OFFICER AMAYA, et al.,

Defendants.

On April 7, 2017, Plaintiff filed a Notice of Voluntary Dismissal Pursuant to F.R.C.P. 41(a)(2) (the “Motion”), in which Plaintiff requests that the Court dismiss Defendant California Department of Corrections and Rehabilitation. (Doc. 19.) The remaining Defendants consented to the dismissal of Defendant California Department of Corrections and Rehabilitation during the April 6, 2017 scheduling conference in this matter. Absent any objection to the dismissal of Defendant California Department of Corrections and Rehabilitation, the Court finds that the Motion has merit. *See, e.g., Smith v. Lenches*, 263 F.3d 972, 975 (9th Cir. 2001) (“A district court should grant a motion for voluntary dismissal under Rule 41(a)(2) unless a defendant can show that it will suffer some plain legal prejudice as a result.” (citation omitted)). Accordingly, the Court GRANTS the Motion, (Doc. 19), and DISMISSES Defendant California Department of

//

1 Corrections and Rehabilitation from this case.

2

3 IT IS SO ORDERED.

4

5 Dated: April 10, 2017

/s/ Sheila K. Oberto
UNITED STATES MAGISTRATE JUDGE

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

26

27

28