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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

JOHANA MARTINEZ,

Plaintiff,

v.

KAWEAH DELTA HEALTH CARE
DISTRICT, et al.,

Defendants.

No. 1:16-cv-01556-LJO-SKO

ORDER DIRECTING THE CLERK TO
TERMINATE DEFENDANT KAWEAH
DELTA HEALTH CARE DISTRICT

(Doc. 39)

On August 23, 2018, the parties filed a stipulation of dismissal of Defendant Kaweah Delta Health Care District with prejudice, pursuant to Federal Rule of Civil Procedure 41(a)(1)(A). (Doc. 39.)

In relevant part, Rule 41(a)(1)(A) provides as follows:

[A] plaintiff may dismiss an action without a court order by filing: (i) a notice of dismissal before the opposing party serves either an answer or a motion for summary judgment; or (ii) a stipulation of dismissal signed by all parties who have appeared.

Fed. R. Civ. P. 41(a)(1)(A). “The plaintiff may dismiss some or all of the defendants, or some or all of his claims, through a Rule 41(a)(1) notice,” and the dismissal “automatically terminates the action as to the defendants who are the subjects of the notice.” *Wilson v. City of San Jose*, 111

1 F.3d 688, 692 (9th Cir. 1997).

2 Because the parties filed a stipulation of dismissal with prejudice under Rule
3 41(a)(1)(A)(ii), this case has automatically terminated as to Defendant Kaweah Delta Health Care
4 District. Fed. R. Civ. P. 41(a)(1)(A). Accordingly, the Clerk of the Court is directed to
5 TERMINATE Defendant Kaweah Delta Health Care District.

6 This case shall remain OPEN pending resolution of Plaintiff's case against the remaining
7 defendant.

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9 IT IS SO ORDERED.

10 Dated: August 24, 2018

/s/ Sheila K. Oberto
UNITED STATES MAGISTRATE JUDGE

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