UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

JAMES CATO, JR., Plaintiff, v. J. PEREZ, Defendant.	Case No.: 1:16-cv-01557-AWI-SAB (PC) ORDER DIRECTING CLERK OF COURT TO CLOSE CASE PURSUANT TO PARTIES' STIPULATION FOR VOLUNTARY DISMISSAL (ECF No. 25)

Plaintiff James Cato, Jr., is a state prisoner proceeding pro se and in forma pauperis in this civil rights action pursuant to 42 U.S.C. § 1983.

On March 9, 2018, the parties filed a stipulation to dismiss this action with prejudice pursuant to Rule 41(a)(1)(A)(ii) of the Federal Rules of Civil Procedure, as the case has been resolved in its entirety. (ECF No. 25.)

Rule 41(a)(1)(A)(ii) provides in pertinent part that, "the plaintiff may dismiss an action without a court order by filing . . . a stipulation of dismissal signed by all parties who have appeared. A voluntary stipulation to dismiss an action pursuant to Rule 41(a)(1)(A)(ii) automatically terminates the action without operation of a court order. Black Rock City, LLC v. Pershing Cty. Bd. of Comm'rs, 637 F. App'x 488 (9th Cir. 2016) (citing Commercial Space Mgmt. Co. v. Boeing Co., 193 F.3d 1074, 1077 (9th Cir. 1999)). Here, Plaintiff and counsel for Defendant Perez have signed and dated a stipulation to dismiss this action, and filed it with the Court.

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In light of parties' stipulation for voluntary dismissal, this action is terminated by operation of law without further order from the Court. Fed. R. Civ. P. 41(a)(1)(A)(ii). Each party is to bear its own litigation costs and attorney's fees.

IT IS SO ORDERED.

Dated: **March 12, 2018**

UNITED STATES MAGISTRATE JUDGE