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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

JAMES FERNANDEZ,) Case No.: 1:16-cv-01612 AWI JLT
)
Plaintiff,)
) ORDER CLOSING CASE AS TO DEFENDANTS
v.) AGBAYANI, ROBLES, AUSTRIA AND GARCIA
) ONLY
NORTH KERN STATE PRISON, et al.,) (Doc. 29)
)
Defendants.)
)
_____)

On August 2, 2017, the parties filed a stipulation to dismiss defendants Agbayani, Robles, Austria and Garcia. (Doc. 29) The stipulation does not seek to dismiss the action as to defendant Duncan.

The stipulation relies upon Fed.R.Civ.P. 41, which permits the plaintiff to dismiss an action without a court order “by filing . . . a stipulation of dismissal signed by all parties who have appeared.” Fed. R. Civ. P. 41(a)(1)(A)(ii). Because all parties who have appeared in the action signed the stipulation (Doc. 79), it “automatically terminate[d] the action.” *Wilson v. City of San Jose*, 111 F.3d 688, 692 (9th Cir. 1997).

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1 Accordingly, the Clerk of Court is **DIRECTED** to close this action as to defendants
2 Agbayani, Robles, Austria and Garcia **only** in light of the notice of voluntary dismissal without
3 prejudice filed and properly signed pursuant to Rule 41(a). The case remains active as to defendant
4 Duncan on the first cause of action.

5
6 IT IS SO ORDERED.

7 Dated: **August 3, 2017**

/s/ Jennifer L. Thurston
UNITED STATES MAGISTRATE JUDGE