

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA**

CHRISTINA CABRERA, et al.,

Case No. 1:17-cv-00019-LJO-SAB

Plaintiffs,

**ORDER RE STIPULATION TO DISMISS
PLAINTIFF CHRISTINA CABRERA'S
CLAIMS**

UNITED STATES OF AMERICA,

DEADLINE: FOURTEEN DAYS

Defendant.

(ECF No. 22)

On October 18, 2017, Plaintiff Christina Cabrera and Defendant filed a stipulation dismissing Plaintiff Christina Cabrera's claims with prejudice. (ECF No. 22.) Although the stipulation does not specify which Federal Rule of Civil Procedure it is pursuant to, it appears that it is pursuant to Federal Rule of Civil Procedure 41(a)(1)(A)(ii).

Federal Rule of Civil Procedure 41(a)(1)(A)(ii) provides that a “plaintiff may 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). Here, the stipulation to dismiss Plaintiff Christina Cabrera’s claims is only between Plaintiff Christina Cabrera and Defendant and it is only signed by those parties. There is another plaintiff in this action, minor Josiah Cabrera,¹ and therefore,

¹ The Court notes that Federal Rule of Civil Procedure 5.2(a) states that unless the court orders otherwise, a filing that contains the name of an individual known to be a minor should only include the minor's initials. Federal Rule of Civil Procedure 5.2(h) states that a person waives the protection of Rule 5.2(a) as to the person's own information by filing it without redaction and not under seal. As Plaintiffs have made multiple filings on the public docket using the minor's name, the Court will also use the minor's name.

1 the stipulation (ECF No. 22) is defective under Rule 41(a)(1).²

2 Accordingly, it is HEREBY ORDERED that within fourteen (14) days of the date of
3 service of this order, the parties shall file a stipulation dismissing Plaintiff Christina Cabrera that
4 complies with Rule 41(a)(1)(A)(ii) or a request to dismiss Plaintiff Christina Cabrera under
5 another rule.

6 IT IS SO ORDERED.
7

8 Dated: October 19, 2017



UNITED STATES MAGISTRATE JUDGE

27 ² The Court notes that while both Plaintiff Christina Cabrera and Plaintiff Josiah Cabrera are represented by the
28 same counsel, counsel signed the stipulation as “[a]ttorneys for Plaintiff Christina Cabrera,” and the body of the
stipulation says that it is “by and between Plaintiff CHRISTINA CABRERA (only) and Defendant UNITED
STATES OF AMERICA.”