

1  
2  
3  
4  
5  
6  
7 UNITED STATES DISTRICT COURT  
8 EASTERN DISTRICT OF CALIFORNIA  
9

10 JAMAR R. HEARNS,

11 Plaintiff,

12 vs.

13 ROSA GONZALES, et al.,

14 Defendants.  
15

**1:17-cv-00038-AWI-GSA-PC**

**ORDER RE STIPULATION FOR  
VOLUNTARY DISMISSAL WITH  
PREJUDICE UNDER RULE 41  
(ECF No. 71.)**

**ORDER DIRECTING CLERK TO  
CLOSE FILE**

16 Jamar R. Hearns (“Plaintiff”) is a former prisoner proceeding with counsel in this civil  
17 rights action pursuant to 42 U.S.C. § 1983. This case now proceeds with the First Amended  
18 Complaint filed by Plaintiff on February 9, 2018, against defendant Rosa Gonzales  
19 (“Defendant”) on Plaintiff’s claims for retaliation, violation of the Free Exercise Clause of the  
20 First Amendment, and violation of the Bane Act.<sup>1</sup> (ECF No. 17.)

21 On January 6, 2021, the parties filed a stipulation for voluntary dismissal with prejudice  
22 under Rule 41 of the Federal Rules of Civil Procedure. (ECF No. 71.)

23 Rule 41 provides, in part: “Subject to Rules 23(e), 23.1(c), 23.2, and 66 and any  
24 applicable federal statute, the plaintiff may dismiss an action without a court order by filing (i) a  
25 notice of dismissal before the opposing party serves either an answer or a motion for summary  
26 judgment; or (ii) a stipulation of dismissal signed by all parties who have appeared.” Fed. R.  
27

---

28 <sup>1</sup> On April 16, 2018, the court issued an order dismissing all other claims and defendants from  
this action. (ECF No. 21.)

1 Civ. P. 41(a)(1)(A). Here, the parties have filed a stipulation of dismissal, signed by all parties  
2 who have appeared in this case, stipulating to the dismissal of this action with prejudice. (ECF  
3 No. 71.) Therefore, the stipulation is effective and this case is dismissed with prejudice.

4 Accordingly, IT IS HEREBY ORDERED that:

- 5 1. The stipulation for voluntary dismissal of this case, signed by Plaintiff and counsel  
6 for defendant F. Padilla and filed on April 9, 2021, is effective as of the date it  
7 was filed;
- 8 2. This case is DISMISSED in its entirety with prejudice; and
- 9 3. The Clerk of the Court is DIRECTED to close the file in this case and adjust the  
10 docket to reflect voluntary dismissal of this action pursuant to Rule 41(a).

11 IT IS SO ORDERED.

12 Dated: April 12, 2021

13 /s/ Gary S. Austin  
14 UNITED STATES MAGISTRATE JUDGE

15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28