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8 UNITED STATES DISTRICT COURT
9 EASTERN DISTRICT OF CALIFORNIA
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11 WILLIAM J. GRADFORD,

12 Plaintiff,

13 v.

14 DEPUTY TIEXIERA and DEPUTY
15 McCARTHY,

16 Defendants.
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1:17-cv-00201-DAD-GSA-PC

**ORDER GIVING FULL EFFECT TO
STIPULATION TO DISMISS CASE,
WITH PREJUDICE, UNDER RULE 41
(ECF No. 87.)**

ORDER VACATING TRIAL

**VACATED
Jury Trial: June 25, 2019 at 8:30 a.m.
in Courtroom 5 (DAD)**

ORDER FOR CLERK TO CLOSE CASE

19 William J. Gradford (“Plaintiff”) is a prisoner proceeding *pro se* and *in forma pauperis*
20 with this civil rights action pursuant to 42 U.S.C. § 1983. This action now proceeds with
21 Plaintiff’s initial Complaint, filed on February 13, 2017, against defendants Deputy Tiexiera
22 and Deputy McCarthy (“Defendants”) for retaliation in violation of the First Amendment.
23 (ECF No. 1.) This case is scheduled for trial on June 25, 2019, at 8:30 a.m., before the
24 Honorable Dale A. Drozd.

25 On May 7, 2019, a stipulation for voluntary dismissal with prejudice was filed with the
26 court, containing the signatures of Plaintiff and Counsel for Defendants Tiexiera and
27 McCarthy. (ECF No. 87.) The stipulation states, “The parties stipulate this matter be
28 dismissed with prejudice. All parties shall bear their own fees and costs.” (Id.)

1 Federal Rule of Civil Procedure 41(a)(1)(A)(ii) allows plaintiffs to “dismiss an action
2 without a court order by filing a stipulation of dismissal signed by all parties who have
3 appeared.” The stipulation filed on May 7, 2019, is signed by all parties who have appeared in
4 this action. Therefore, the parties’ stipulation is given full force and effect, and this case is
5 dismissed with prejudice under Rule 41(a)(1)(A)(ii). The trial for this case shall be vacated,
6 and the Clerk shall be directed to close the case.

7 Accordingly, IT IS HEREBY ORDERED that:

- 8 1. The parties’ stipulation for voluntary dismissal of this action with prejudice is
9 effective as of the date it was filed;
- 10 2. The trial for this case, scheduled for June 25, 2019 at 8:30 a.m. before the
11 Honorable Dale A. Drozd in courtroom #5 at the United States District Court in
12 Fresno, California, is VACATED from the court’s calendar;
- 13 3. This case is DISMISSED WITH PREJUDICE under Rule 41; and
- 14 4. The Clerk of Court is directed to close this case.

15 IT IS SO ORDERED.
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17 Dated: May 8, 2019

/s/ Gary S. Austin
18 UNITED STATES MAGISTRATE JUDGE
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