1 2 3 4 5 6 7 8 UNITED STATES DISTRICT COURT 9 EASTERN DISTRICT OF CALIFORNIA 10 11 MADERO POUNCIL, Case No. 1:17-cv-00547-AWI-BAM (PC) 12 Plaintiff. ORDER REGARDING STIPULATION OF VOLUNTARY DISMISSAL WITH 13 PREJUDICE PURSUANT TO FED. R. CIV. P. v. 41(a)(1)(A)(ii) 14 D. LOPEZ, (ECF No. 39) 15 Defendant. 16 17 Plaintiff Madero Pouncil is a state prisoner proceeding pro se and in forma pauperis in this 18 civil rights action pursuant to 42 U.S.C. § 1983. 19 Currently before the Court is a stipulation for voluntary dismissal with prejudice, filed on 20 July 26, 2019. (ECF No. 39). The stipulation states that, since Plaintiff and Defendant Lopez have 21 resolved this case in its entirety, the parties stipulate to a dismissal of this action, with prejudice, 22 pursuant to Federal Rule of Civil Procedure 41(a)(1)(A)(ii). The stipulation is signed and dated by Plaintiff and counsel for Defendant Lopez, and indicates that each party shall bear its own litigation 23 24 costs and attorney's fees. "The plaintiff may dismiss some or all of the defendants, or some or all of his claims, 25 26 through a Rule 41(a)(1) notice. The filing of a notice of voluntary dismissal with the court 27 automatically terminates the action as to the defendants who are the subjects of the notice." Wilson 28 v. City of San Jose, 111 F.3d 688, 692 (9th Cir. 1997) (citations omitted).

Accordingly, this action is terminated by operation of law without further order from the Court. Fed. R. Civ. P. 41(a)(1)(A)(ii). The Clerk of the Court is directed to terminate all pending motions and deadlines and close this case. IT IS SO ORDERED. 1s/Barbara A. McAuliffe Dated: **July 29, 2019**