

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

THOMAS EVANS,
Plaintiff,
v.
D. LOPEZ,
Defendant.

Case No. 1:17-cv-00719-AWI-JLT (PC)
ORDER CLOSING THE CASE
(Doc. 13)

On December 19, 2017, the parties submitted a fully executed stipulation for voluntary dismissal with prejudice per Federal Rule of Civil Procedure 41(a)(1)(A)(ii), with each party to bear their own litigation costs and attorney’s fees. (Doc. 13.) Rule 41 provides that “the 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).

Because all parties who appeared in the action signed the stipulation, it “automatically terminate[d] the action.” *Wilson v. City of San Jose*, 111 F.3d 688, 692 (9th Cir. 1997). Accordingly, the Clerk of Court is **DIRECTED** to terminate the remaining motion and close the action.

IT IS SO ORDERED.

Dated: December 20, 2017

/s/ Jennifer L. Thurston
UNITED STATES MAGISTRATE JUDGE

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28