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UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

COLEMAN PAYNE,  
  
Plaintiff,  
  
v.  
  
COUNTY OF CALAVERAS, et al.,  
  
Defendants.

No. 1:17-cv-00906-ADA-SKO

ORDER DIRECTING THE CLERK TO  
TERMINATE DEFENDANTS COUNTY OF  
CALAVERAS, COUNTY OF CALAVERAS  
SHERIFF'S OFFICE, SARGENT JOHN  
BAILEY, CAPTAIN EDDIE BALLARD, and  
LIEUTENANT TIM STRUM

(Doc. 148)

On January 20, 2023, the parties filed a Stipulation of Dismissal of Defendants COUNTY OF CALAVERAS, COUNTY OF CALAVERAS SHERIFF'S OFFICE, SARGENT JOHN BAILEY, CAPTAIN EDDIE BALLARD, and LIEUTENANT TIM STRUM, with prejudice, pursuant to Federal Rule of Civil Procedure 41(a)(1)(A). (Doc. 148.)

In relevant part, Rule 41(a)(1)(A) provides as follows:

[A] plaintiff may dismiss an action without a court order by filing: (i) a notice of dismissal before the opposing party serves either an answer or a motion for summary judgment; or (ii) a stipulation of dismissal signed by all parties who have appeared.

Fed. R. Civ. P. 41(a)(1)(A). "The plaintiff may dismiss some or all of the defendants, or some or

1 all of his claims, through a Rule 41(a)(1) notice,” and the dismissal “automatically terminates the  
2 action as to the defendants who are the subjects of the notice.” *Wilson v. City of San Jose*, 111  
3 F.3d 688, 692 (9th Cir. 1997).

4 Because the parties filed a stipulation of dismissal with prejudice under Rule  
5 41(a)(1)(A)(ii), this case has automatically terminated as to Defendants COUNTY OF  
6 CALAVERAS, COUNTY OF CALAVERAS SHERIFF’S OFFICE, SARGENT JOHN BAILEY,  
7 CAPTAIN EDDIE BALLARD, and LIEUTENANT TIM STRUM. Fed. R. Civ. P. 41(a)(1)(A).  
8 Accordingly, the Clerk of the Court is directed to TERMINATE Defendants COUNTY OF  
9 CALAVERAS, COUNTY OF CALAVERAS SHERIFF’S OFFICE, SARGENT JOHN BAILEY,  
10 CAPTAIN EDDIE BALLARD, and LIEUTENANT TIM STRUM.

11 This case shall remain OPEN pending resolution of Plaintiff’s case against the remaining  
12 defendants.

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14 IT IS SO ORDERED.

15 Dated: January 20, 2023

*/s/ Sheila K. Oberto*  
UNITED STATES MAGISTRATE JUDGE

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