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7
8 **UNITED STATES DISTRICT COURT**
9 **EASTERN DISTRICT OF CALIFORNIA**
10

11 JOSE ACOSTA,)

12 Plaintiff,)

13 vs.)

14 MARIA DE JESUS AQUAYO; JOSE A.)
15 CHAVIRA;)

16 Defendants.)
17)
18)
19)
20)

No. 1:17-cv-01047-LJO-BAM

**REQUEST FOR DISMISSAL OF ENTIRE
ACTION [FED. R. CIV. P. 41(A)(2)];
[PROPOSED] ORDER**

21 WHEREAS, Plaintiff, Jose Acosta ("Plaintiff"), wishes to dismiss Defendants Maria De
22 Jesus Aquayo and Jose A. Chavira ("Defendants") from the above-captioned action pursuant to
23 settlement with Defendants;

24 WHEREAS, Plaintiff received the fully-executed settlement agreement signed by
25 Defendants, on September 6, 2019;

26 WHEREAS, Plaintiff has been unable in numerous attempts to obtain a signed joint
27 stipulation to dismiss the entire action from Defendants since September 2019, pursuant to
28 Federal Rule of Civil Procedure 41(a)(1)(A)(ii);

REQUEST FOR DISMISSAL OF ENTIRE ACTION [FED. R. CIV. P. 41(A)(2)]; [PROPOSED] ORDER

1 WHEREAS, no cross-claim, counter-claim or third-party claim has been filed in this
2 action;

3 NOW, THEREFORE, Plaintiff hereby respectfully requests pursuant to Federal Rule of
4 Civil Procedure 41(a)(2), the above-captioned action be dismissed with prejudice in its entirety.
5 Each party is to bear its own attorneys' fees and costs.

6
7 Date: December 6, 2019

MOORE LAW FIRM, P.C.

8
9 /s/ Tanya E. Moore

Tanya E. Moore

10 Attorney for Plaintiff,

11 Jose Acosta

12 **ORDER**

13
14 Pursuant to the request of Plaintiff, Jose Acosta, and no cross-claim, counter-claim or
15 third-party claim having been filed,

16 **IT IS HEREBY ORDERED** that this action be dismissed with prejudice in its entirety.
17 Each party shall bear its own attorney's fees and costs.

18 IT IS SO ORDERED.

19
20 Dated: **December 13, 2019**

/s/ Lawrence J. O'Neill
UNITED STATES CHIEF DISTRICT JUDGE