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8 UNITED STATES DISTRICT COURT
9 EASTERN DISTRICT OF CALIFORNIA
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11 JOSHUA DAVIS BLAND,

12 Plaintiff,

13 v.

14 D. BADGER, et al.,

15 Defendants.
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Case No. 1:17-cv-01717-LJO-EPG (PC)

ORDER REQUIRING REVISED
STIPULATION FOR VOLUNTARILY
DISMISSAL OR BRIEFING FROM
PARTIES

(ECF NO. 34)

18 Plaintiff, Joshua Davis Bland, is a state prisoner proceeding *pro se* and *in forma*
19 *pauperis* in this civil rights action filed pursuant to 42 U.S.C. § 1983.

20 On December 6, 2019, the parties filed a document titled “Stipulation for Voluntary
21 Dismissal With Prejudice (Fed. R. Civ. P. 41(a)(1)(A)(ii)).” (ECF No. 34.) The document states
22 that the parties “have resolved this case in its entirety,” and that they “stipulate to a dismissal of
23 this action with prejudice under Federal Rule of Civil Procedure 41(a)(1)(A)(ii).” (*Id.*)
24 However, Plaintiff added the language “Without Prejudice” above his signature. (*Id.*) This
25 added language creates an ambiguity as to whether Plaintiff intended to voluntarily dismiss this
26 case with prejudice.

27 Accordingly, IT IS ORDERED that the parties have twenty-one days from the date of
28 service of this order to re-file a stipulation for dismissal without Plaintiff’s additional language.

1 If Plaintiff will not agree to sign a stipulation for dismissal without the additional language,
2 each party may instead file a brief regarding how Plaintiff's additional language affects the
3 stipulation.

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5 IT IS SO ORDERED.

6 Dated: December 9, 2019

/s/ Eric P. Grogan
7 UNITED STATES MAGISTRATE JUDGE