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8 UNITED STATES DISTRICT COURT  
9 EASTERN DISTRICT OF CALIFORNIA, FRESNO DIVISION  
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11 ANTHONY PEREZ, individually,  
CECILIA PEREZ, individually,  
12 TERRALEE PEREZ, individually and  
as successor in interest to Joseph Perez,  
13 JOSEPH PEREZ, JR., individually and  
as successor in interest to Joseph Perez,  
14 and X.P., a minor, by and through his  
Guardian ad Litem, MICHELLE  
15 PEREZ, individually and as successor  
in interest to Joseph Perez,  
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17 Plaintiffs,  
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19 v.  
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21 CITY OF FRESNO, COUNTY OF  
22 FRESNO, JAMES ROSSETTI, an  
individual, SEAN CALVERT, an  
23 individual, CHRIS MARTINEZ, an  
individual, BRAITHAN  
STOLTENBERG, an individual,  
24 ROBERT MCEWEN, an individual,  
25 KARLSON MANASAN, an individual,  
26 JIMMY ROBNETT, an individual, and  
27 DOES 1-10, inclusive,  
28

Defendants.

Case No. 1:18-cv-00127-AWI-EPG  
[Hon. Anthony W. Ishii]

**ORDER RE JOINT STIPULATION  
OF THE PARTIES FOR  
DISMISSAL WITH PREJUDICE OF  
PLAINTIFFS ANTHONY PEREZ  
AND CECILIA PEREZ FROM THE  
FIRST FEDERAL CLAIM FOR  
EXCESSIVE FORCE AND FROM  
ALL STATE CLAIMS**

Complaint filed: 1/23/18  
Trial Date: N/A

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Pursuant to the Joint Stipulation of the parties, IT IS HEREBY ORDERED:

1) Plaintiffs ANTHONY PEREZ and CECILIA PEREZ, the parents of the decedent Joseph Perez, shall be dismissed from the first federal claim for excessive force under the Fourth Amendment (42 U.S.C. §1983) with prejudice;

2) Plaintiffs ANTHONY PEREZ and CECILIA PEREZ, the parents of the decedent Joseph Perez, shall be dismissed from all state claims, which includes the fourth state claim for violation of the Bane Act; the fifth state claim for battery (wrongful death); and the sixth state claim for negligence (wrongful death) with prejudice.

IT IS SO ORDERED.

Dated: March 1, 2018

  
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SENIOR DISTRICT JUDGE