

1
2
3
4
5
6
7
8 UNITED STATES DISTRICT COURT
9 EASTERN DISTRICT OF CALIFORNIA
10

11 JESUS A. NUNEZ,

12 Plaintiff,

13 vs.

14 KAYLEEN POWELL, et al.,

15 Defendants.
16
17
18

1:18-cv-00213-LJO-GSA-PC

**ORDER OF DISMISSAL, WITH
PREJUDICE, UNDER RULE 41(a)**

(ECF No. 39.)

**ORDER DIRECTING CLERK OF
COURT TO CLOSE CASE**

19 Jesus A. Nunez (“Plaintiff”) is a state prisoner proceeding *pro se* and *in forma pauperis*
20 with this civil rights action pursuant to 42 U.S.C. § 1983. This case now proceeds with the
21 First Amended Complaint filed by Plaintiff on April 26, 2018, against defendant Dr. Kokor
22 (“Defendant”) on Plaintiff’s medical claim under the Eighth Amendment. (ECF No. 18.)¹

23 On August 22, 2019, defense counsel filed a stipulation for voluntary dismissal of this
24 case under Federal Rule of Civil Procedure 41(a)(1)(A)(ii), with prejudice, signed by Plaintiff
25 and defense counsel. (ECF No. 39.)

26 Rule 41(a)(1)(A)(ii) provides that “the plaintiff may dismiss an action without a court
27 order by filing a stipulation of dismissal signed by all parties who have appeared.”

28

¹ All other claims and defendants were dismissed from this case on January 11, 2019. (ECF No. 23.)

1 In this case, given that Plaintiff has stipulated with all other defendants who have
2 appeared in this action to dismiss this action with prejudice, the court finds it proper to dismiss
3 this case in its entirety, with prejudice.

4 Accordingly, IT IS HEREBY ORDERED that:

- 5 1. The parties' stipulation filed in this action on August 22, 2019, is effective as of
6 the date it was filed;
- 7 2. This case is DISMISSED in its entirety, with prejudice; and
- 8 3. The Clerk of the Court is DIRECTED to close the file in this case and adjust the
9 docket to reflect voluntary dismissal of this action pursuant to Rule 41(a).

10 IT IS SO ORDERED.
11

12 Dated: August 26, 2019

/s/ Gary S. Austin
13 UNITED STATES MAGISTRATE JUDGE
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28