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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

CYNTHIA PRIMAVERA,
Plaintiff,
v.
THE BANK OF MISSOURI, et al.,
Defendants.

Case No. 1:23-cv-00233-KES-EPG
ORDER RE: STIPULATION FOR
DISMISSAL WITH PREJUDICE OF
DEFENDANT THE BANK OF MISSOURI
ONLY
(ECF No. 46)

This civil action was removed from state court on February 15, 2023. (ECF No. 1). The complaint names Defendants The Bank of Missouri; Experian Information Solutions, Inc.; Equifax Information Services, LLC; Trans Union LLC; and Does 1-10. (ECF No. 1-1, p. 3). Aside from The Bank of Missouri and Does 1-10, the other Defendants have been dismissed. (ECF Nos. 11 (Trans Union LLC); 28 (Experian Information Solutions, Inc.); 40 (Equifax Information Services, LLC)).

On March 26, 2024, Plaintiff and The Bank of Missouri filed a joint stipulation dismissing all claims against *only* Defendant The Bank of Missouri with prejudice and with each party to bear their own costs and attorney fees. (ECF No. 46). There is no language in the stipulation indicating that the action has been dismissed in its entirety.

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Accordingly, IT IS ORDERED as follows:

1. In light of the parties’ stipulation, *see* Fed. R. Civ. P. 41(a)(1)(A)(ii), the case against only Defendant The Bank of Missouri has been dismissed with prejudice, with each party to bear their own costs and attorney fees. *See Wilson v. City of San Jose*, 111 F.3d 688, 692 (9th Cir. 1997).
2. The Clerk of Court is respectfully directed to terminate The Bank of Missouri as a pending defendant on the docket.
3. Because it is unclear as to whether Plaintiff intends to pursue this action further, *e.g.*, against any Doe Defendants, the Court will not direct the Clerk of Court to close this action at this time. Rather, the Court will give Plaintiff until April 3, 2024, to file a notice regarding whether Plaintiff intends to proceed with this case.
4. If Plaintiff files no notice by this deadline, the Court will direct the Clerk of Court to close this action.

IT IS SO ORDERED.

Dated: March 27, 2024

/s/ Eric P. Gray
UNITED STATES MAGISTRATE JUDGE