

Matthew Strugar, SBN 232951  
Law Office of Matthew Strugar  
3435 Wilshire Blvd., Suite 2910  
Los Angeles, CA 90010  
323-696-2299  
matthew@matthewstrugar.com

Attorney for Plaintiff Rex Chappell

UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF CALIFORNIA

SACRAMENTO DIVISION

Rex Chappell,

Plaintiff,

v.

C.K. Pliler, et al.,

Defendants.

2:04-cv-1183 TLN DB P

**Stipulation and Order to Dismiss  
Plaintiff’s Claim Related to Denial of  
Adequate Food**

On January 23, 2017, Magistrate Judge Barnes issued a Report and Recommendation, Dkt. # 102, recommending the Defendants be granted summary judgment as to a number of the Plaintiff’s claims and that “[t]he case proceed solely on plaintiff’s Eighth Amendment claims regarding denial of outdoor exercise and adequate food.” *Id.* at 39.

On March 1, 2017, this Court adopted the report and recommendation, Dkt. # 103, and ordered that “[t]he case shall proceed solely on Plaintiff’s Eighth Amendment claims regarding denial of outdoor exercise and adequate food.” *Id.* at 2.

Plaintiff seeks to proceed solely on his Eighth Amendment claim related to denial of outdoor exercise and to dismiss his Eighth Amendment claim related to denial of adequate food.

Therefore, the parties stipulate and seek an order of the Court dismissing Plaintiff's Eighth Amendment claim related to denial of adequate food, with each party to bear its own attorney's fees and costs.

It is so stipulated.

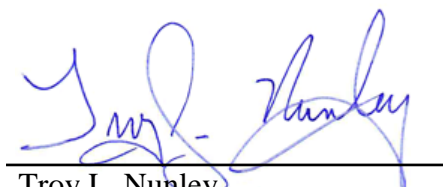
Dated: November 7, 2018 By: s/ Matthew Strugar  
Matthew Strugar  
Attorney for Plaintiff

Dated: November 7, 2018 By: s/ Kelli M. Hammond  
Kelli M. Hammond  
Attorney for Defendants

### Order

Pursuant to stipulation, IT IS HEREBY ORDERED that Plaintiff's Eighth Amendment claim related to denial of adequate food is dismissed, with each party to bear its own attorney's fees and costs. The case shall proceed solely on Plaintiff's Eighth Amendment claim regarding denial of outdoor exercise.

Dated: November 7, 2018

  
\_\_\_\_\_  
Troy L. Nunley  
United States District Judge