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**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA**

JOHN WASHINGTON,  
Plaintiff,

No. 2:08-cv-0386-KJM-CMK-P

vs.

ORDER

SALEM MOHAMMED, et al.,  
Defendants.

\_\_\_\_\_ /

Plaintiff, a state prisoner proceeding pro se, brings this civil rights action pursuant to 42 U.S.C. § 1983. Pending before the court is plaintiff’s motion to dismiss defendant Martinez (Doc. 110). The court construes this motion as a notice of voluntary dismissal of defendant Martinez. Good cause appearing therefor, this request will be granted. As plaintiff has voluntarily dismissed defendant Martinez, the June 18, 2018, findings and recommendation are moot and are withdrawn. Pursuant to plaintiff’s request, defendant Martinez will be dismissed from this action for good cause shown. See Fed. R. Civ. P. 41(a)(2).

In addition, the remaining parties to this action participated in a settlement conference, wherein they entered into a settlement agreement. Pursuant to that settlement agreement, the parties filed a stipulation for voluntary dismissal (Doc. 108). Because the

1 stipulation has been signed by all parties who have appeared, leave of court is not required and  
2 dismissal may be entered on the parties' notice. See Fed. R. Civ. P. 41(a)(1)(A)(ii).

3 Accordingly, IT IS HEREBY ORDERED that:

4 1. Plaintiff's motion to dismiss defendant Martinez is construed as a notice  
5 of voluntary dismissal;

6 2. Good cause shown, defendant Martinez is dismissed from this action  
7 pursuant to Federal Rule of Civil Procedure 41(a)(2);

8 3. The June 18, 2018, findings and recommendation are deemed moot and  
9 are withdrawn;

10 4. Based on the stipulation entered into by the remainder of the defendants,  
11 this action is dismissed in its entirety pursuant to Federal Rule of Civil Procedure 41(a)(1)(A)(ii);  
12 and

13 5. The Clerk of the Court is directed to close this case.

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15 DATED: July 11, 2018

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17 **CRAIG M. KELLISON**  
18 UNITED STATES MAGISTRATE JUDGE  
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