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

JOHN WESLEY WILLIAMS,

No. CIV S-08-1737-CMK-P

Plaintiff,

vs.

ORDER

A.J. MALFI, et al.,

Defendants.

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Plaintiff, a state prisoner proceeding pro se, brings this civil rights action pursuant to 42 U.S.C. § 1983. This action proceeds on plaintiff’s amended complaint (Doc. 18) as against defendants Malfi, Carroll, Grannis, Kelly, Young, Hsu, and the law firm of Lawrence, Beach, Allen, and Choi.¹ All individual defendants, except Malfi, have appeared in the action. Defendant law firm has waived service but not yet appeared. Service of process on defendant Malfi was returned unexecuted.

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¹ Defendant law firm was formerly known as Franscell, Strickland, Roberts, Lawrence, and Hsu.

1 Pending before the court are the following motions and requests: (1) motion to
2 dismiss filed by defendants Carroll, Grannis, and Kelly (Doc. 20); (2) motion to dismiss filed by
3 defendant Hsu (Doc. 28); (3) request for judicial notice in support of defendant Hsu's motion to
4 dismiss (Doc. 29); (4) plaintiff's motion for injunctive relief (Doc. 22); (5) plaintiff's motion to
5 disqualify counsel for defendant Hsu (Doc. 33); and (6) plaintiff's motion for voluntary dismissal
6 of defendants Hsu and the law firm of Lawrence, Beach, Allen, and Choi (Doc. 42).

7 In his motion for voluntary dismissal of defendant Hsu and defendant law firm,
8 plaintiff states that he has entered into a settlement in another case and that, as part of that
9 settlement, he has agreed to voluntarily dismiss these two defendants from this action. Good cause
10 appearing therefor, plaintiff's request will be granted. See Fed. R. Civ. P. 41(a)(2). Defendant
11 Hsu and defendant law firm of Lawrence, Beach, Allen, and Choi shall be dismissed from this
12 action.

13 The voluntary dismissal of defendant Hsu renders moot her separate motion to
14 dismiss and related request for judicial notice, as well as plaintiff's motion to disqualify her
15 counsel. The Clerk of the Court will be directed to terminate these matters as pending motions
16 on the court's docket. The remaining motions will be addressed separately.

17 Finally, as noted above, service of process directed to defendant Malfi was
18 returned unexecuted. Plaintiff will be required to show cause in writing why this defendant
19 should not be dismissed for failure to effect timely service. See Fed. R. Civ. P. 4(m).

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