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UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

MALIK JONES,  
Plaintiff,  
  
vs.  
  
J.L. BISHOP, et al.,  
Defendants.

NO. CV-09-0150-JLQ  
  
ORDER DENYING MOTION TO  
TERMINATE DEFENDANTS

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On November 5, 2010, the court granted the following Defendants’ Motion to Dismiss: Defendants Bishop, Stoval, Lipton, Betti, Chatman, Wisely, Montgomery, Probest, Swarte, Stailey, Weston, and Williams. Where the order did not dispose of all of Plaintiff’s claims, the court did not order the entry of judgment. Pending before the court is the Defendants’ “Motion to Terminate Dismissed Defendants” (ECF. No. 70) requesting the court direct the Clerk to terminate these Defendants from the court’s civil docket sheet.

An order granting a motion to dismiss is not final and subject to revision at any time prior to entry of final judgment. Claims/parties are not formally dismissed from a case until the entry of a final judgment. Accordingly, as there has been no judgment entered it would not be appropriate to direct the Clerk to terminate parties from the docket. The appropriate means for seeking the requested relief is to move for entry of partial judgment pursuant to Fed.R.Civ.P. 54(b). Generally, partial final judgments are discouraged because of the substantial risk that it could lead to multiple appeals.

1 Defendants' Motion to Terminate Dismissed Defendants (ECF No. 70) is **DENIED**.  
2 The Clerk is hereby directed to enter this Order and furnish copies to Plaintiff and  
3 counsel.

4 DATED this 28<sup>th</sup> day of March, 2011.

5 s/ Justin L. Quackenbush  
6 JUSTIN L. QUACKENBUSH  
7 SENIOR UNITED STATES DISTRICT JUDGE  
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