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

DESIREE MURILLO,

Plaintiff,

No. 2:09-cv-03117 KJN

v.

CITY OF WOODLAND; RYAN
PIERCY; CASEY SULLIVAN;
and DOES 1 to 40, Inclusive,

Defendants.

ORDER

On July 8, 2011, the parties filed a Stipulation of Dismissal and [Proposed] Order.¹ (Dkt. No. 89.) Although the parties’ stipulation of dismissal was effective upon filing and without a court order pursuant to Federal Rule of Civil Procedure 41(a)(1)(A)(ii),² for the sake of clarity IT IS HEREBY ORDERED that:

1. Pursuant to the parties’ stipulation of dismissal, which is signed by all of

¹ The parties’ stipulation represents that the voluntary dismissal is pursuant to “FRCP 41(a)(I)(ii).” No such sub-section exists within Federal Rule of Civil Procedure 41(a). It appears that the parties intend to dismiss this case by stipulation pursuant to Federal Rule of Civil Procedure 41(a)(1)(A)(ii).

² See also Eitel v. McCool, 782 F.2d 1470, 1473 n.4 (9th Cir. 1986); cf. United States v. Real Property Located at 475 Martin Lane, Beverly Hills, CA, 545 F.3d 1134, 1145-46 (9th Cir. 2008) (addressing the self-executing nature of dismissals under Rule 41(a)(1)(A)(i)).

1 the parties, this case is dismissed with prejudice.


2 1. The parties shall bear their own respective costs and attorneys' fees.

3 2. The Clerk of Court is directed to close this case.

4 IT IS SO ORDERED.

5 DATED: July 8, 2011

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KENDALL J. NEWMAN
UNITED STATES MAGISTRATE JUDGE