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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

JIMMIE STEPHEN,

Plaintiff,

vs.

J. CLARK KELSO, federal receiver for the
California Department of Corrections and
Rehabilitation; CALIFORNIA
DEPARTMENT OF CORRECTIONS AND
REHABILITATION; KOU-YING
HSIEH, M.D.; WENDELL WARREN
WENNEKER, M.D.; ALVARO CRUZ
TRAQUINA, M.D.; SAMUEL WILLIAM
MCALPINE, M.D.,

Defendants.

No. 2:10-CV-1678-KJM-KJN (P)

**STIPULATED ORDER OF
DISMISSAL WITH PREJUDICE OF
SECOND CLAIM FOR MEDICAL
MALPRACTICE**

Plaintiff JIMMIE STEPHEN and defendant WENDELL WARREN
WENNEKER, M.D., by and through their respective attorneys, hereby stipulate and
agree, pursuant to Federal Rules of Civil Procedure 41(a)(1)(A)(ii) and 41(a)(2), that
plaintiff JIMMIE STEPHEN's second claim entitled "Medical Malpractice" is dismissed
with prejudice as to defendant WENDELL WARREN WENNEKER, M.D.

IT IS SO STIPULATED.

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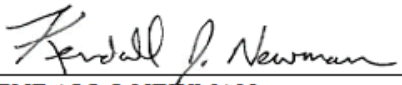
Attorneys for Plaintiff

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10 ORDER

11 Pursuant to the instant stipulation of the parties (dismissing with prejudice
12 plaintiff's medical malpractice claim against defendant Wenneker), and the parties'
13 stipulation approved by the court on September 13, 2013 (ECF No. 102) (dismissing
14 with prejudice plaintiff's Eighth Amendment claim against defendant Wenneker), IT IS
15 ORDERED that all claims against defendant Wenneker are dismissed with prejudice,
16 and defendant Wendell Wenneker, M.D., is hereby dismissed from this action with
17 prejudice.
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19 Dated: October 15, 2013

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KENDALL J. NEWMAN
UNITED STATES MAGISTRATE JUDGE