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9
10 **UNITED STATES DISTRICT COURT**
11 **EASTERN DISTRICT OF CALIFORNIA**

12
13
14)
15 **Kenneth Gene Montgomery,**)
16)
17 **Plaintiff**)
18) **Case No.: 2:11-CV-03304-GGH P**
19 **v.**)
20) **STIPULATION OF DISMISSAL**
21 **Sergeant Brooks, Correctional Officer**)
22 **Parker, sued in their individual capacities,**)
23 **and Does 5 – 100, inclusive,**)
24)
25 **Defendants**)

26 **TO: ALL PARTIES AND THEIR COUNSEL OF RECORD**

27 **PLEASE TAKE NOTICE** that, pursuant to Fed. R. Civ. P.41(a)(1), plaintiff voluntarily

28 Dismisses the above-captioned action against defendants Sergeant Brooks, Correctional Officer

Parker, sued in their individual capacities, and Does 5 – 100, inclusive, without prejudice.

Plaintiff represents that he has not and will not receive any payment, direct or indirect, in

1 connection with the dismissal of the action.

2
3 **IT IS HEREBY STIPULATED** by and between Plaintiff Ken Montgomery and
4 Respondent Sgt. Brooks that the plaintiff voluntarily dismisses this action without prejudice.
5

6
7 Dated: 1-15-13

8 By:
9 /s/ Catherine Sempepos
10 Catherine Sempepos,
11 Attorney for Plaintiff,
KENNETH GENE MONTGOMERY

12 Dated 1-17-13

13 By:
14 /s/Michael G. Lee,
15 Michael G. Lee,
16 Attorney for Defendants,
17 SERGEANT BROOKS, et al.

18 **IT IS SO ORDERED** /s/ Gregory G. Hollows

19 _____
20 Gregory G. Hollows
21 UNITED STATES MAGISTRATE JUDGE

22 January 24, 2013

23 _____
24 DATE