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UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

FLOYD LUMAN, et al.,  
Plaintiffs,  
v.  
NEW VITALITY CORP., et al.,  
Defendants.

No. 2:13-cv-00656-KJM-AC

ORDER

On August 8, 2017, the court dismissed this case without prejudice pending the FDA’s resolution of the “new drug” question and issued judgment. ECF No. 68 (order); ECF No. 69 (judgment). Plaintiff appealed. ECF No. 70 (September 6, 2017 notice of appeal). On July 11, 2018, plaintiff filed a notice of voluntary dismissal, which the court struck, noting the notice was signed only by plaintiff and “considering this case was closed on August 8, 2017 . . . it is unclear what claims plaintiff is attempting to dismiss.” ECF No. 77. On August 14, 2018, the parties filed a stipulation noting they had reached a settlement of all claims and requesting the court “reopen the case . . . and enter this stipulation of dismissal with prejudice.” ECF No. 78. The next day, on August 15, 2018, the Ninth Circuit granted the parties’ stipulated motion for voluntary dismissal of their appeal with prejudice and provided, “[a] copy of this order sent to the district court shall act as and for the mandate of this court.” *See* ECF No. 79.

The parties have not identified any authority permitting the court to reopen this case and vacate its judgment based solely on the parties’ stipulation. The court therefore

1 DECLINES TO APPROVE the parties' stipulation. Any subsequent request must be supported  
2 by authority.

3 IT IS SO ORDERED.

4 DATED: November 21, 2018.

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7 UNITED STATES DISTRICT JUDGE  
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