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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

KRISTIN HARDY,
Plaintiff,
v.
C. MORRIS, et al.,
Defendants.

No. 2:13-cv-00726 JAM DB P

ORDER

Plaintiff is a state prisoner proceeding pro se with a civil rights action under 42 U.S.C. § 1983. On December 23, 2013, the court found service of the complaint appropriate for defendants C. Davis, C. Morris, and Zahniser. (ECF No. 12.) On September 15, 2015, defendants filed answer to the complaint. (ECF No. 55.) On May 19, 2017, the court granted in part defendants’ motion for summary judgements and dismissed all claims against defendant Davis and the Eighth Amendment claims against defendants Morris and Zahniser. (ECF No. 118.) On December 30, 2021, a joint stipulation of voluntary dismissal of this action, signed by plaintiff and attorney for the defendants, was filed with this court. (ECF No. 159.)

Under Rule 41(a)(1) of the Federal Rules of Civil Procedure, a plaintiff may voluntarily dismiss an action without a court order by stipulation of dismissal signed by all parties who have appeared. Unless the notice provided by the plaintiff states otherwise or plaintiff has previously dismissed a state or federal action based on this claim, such a dismissal would be without

1 prejudice. Fed. R. Civ. P. 41(a)(1)(B). In the present case, the stipulation of dismissal specifies
2 that the parties have stipulated to dismiss this action with prejudice. (ECF No. 159 at 1.)

3 Accordingly, this case has been dismissed with prejudice by request of the plaintiff and
4 the Clerk of the Court shall close this case.

5 Dated: January 11, 2022

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9 DEBORAH BARNES
UNITED STATES MAGISTRATE JUDGE

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