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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

JOHN WALKER,
Plaintiff,
v.
WHITING, et al.,
Defendants.

No. 2:14-cv-2064 TLN CKD P

ORDER AND
FINDINGS AND RECOMMENDATIONS

On August 17, 2015, plaintiff and defendants Whiting, Blanco, Johns, and Bilgera stipulated that this action be dismissed with prejudice pursuant to a settlement agreement. (ECF No. 50; see ECF No. 49.)

On August 20, 2015, the court ordered plaintiff to notify the court within fourteen days whether he also intended to dismiss this action as to defendant Lee, who had not yet been served with the complaint. (ECF No. 51; see ECF No. 45.) As plaintiff has not timely responded, the undersigned will recommend that this action be dismissed as to Lee pursuant to Fed. R. Civ. P. 41(b).

Accordingly, IT IS HEREBY ORDERED that this action is dismissed against defendants Whiting, Blanco, Johns, and Bilgera with prejudice pursuant to Fed. R. Civ. P. 41(a). All parties are to bear their own costs and attorneys' fees.

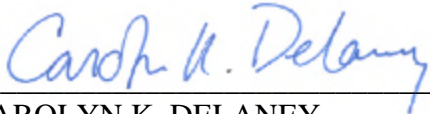
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IT IS HEREBY RECOMMENDED that this action be dismissed without prejudice as to defendant Lee, and this case closed. See Local Rule 110; Fed. R. Civ. P. 41(b).

These findings and recommendations are submitted to the United States District Judge assigned to the case, pursuant to the provisions of 28 U.S.C. § 636(b)(1). Within fourteen days after being served with these findings and recommendations, any party may file written objections with the court and serve a copy on all parties. Such a document should be captioned “Objections to Magistrate Judge’s Findings and Recommendations.” The parties are advised that failure to file objections within the specified time may waive the right to appeal the District Court’s order. Martinez v. Ylst, 951 F.2d 1153 (9th Cir. 1991).

Dated: September 14, 2015



CAROLYN K. DELANEY
UNITED STATES MAGISTRATE JUDGE

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