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UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

KASEY F. HOFFMAN,  
Plaintiff,  
v.  
KEVIN JONES,  
Defendant.

No. 2:15-cv-1526-JAM-EFB P


ORDER

Plaintiff is a state prisoner proceeding without counsel in an action brought under 42 U.S.C. § 1983. On June 1, 2020, plaintiff filed a notice of voluntary dismissal seeking dismissal of this case without prejudice. ECF No. 63. On June 12, 2020, the court informed plaintiff that he could not dismiss this case without prejudice at this stage of the proceedings unless defendant stipulated to the dismissal. ECF No. 65 (citing Fed. R. Civ. P 41(a)(1)(A)(i)). Defendant has declined to stipulate to the dismissal of this action without prejudice and confirms that defendant remains ready for trial. ECF Nos. 64, 66. Defendant does not object to plaintiff voluntarily dismissing with prejudice but defendant does not consent to plaintiff being able to refile this action. ECF No. 66. Thus, plaintiff may either proceed with this action, with trial set to commence on October 19, 2020, or the parties may file a stipulation for dismissal pursuant to Rule 41(a)(1)(A)(ii).

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Accordingly, it is ORDERED that plaintiff's request for voluntary dismissal without prejudice (ECF No. 63) is denied.

DATED: July 30, 2020.

  
EDMUND F. BRENNAN  
UNITED STATES MAGISTRATE JUDGE