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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

RAUL ZAMUDIO, et al.,

 Plaintiff,

 v.

FMC CORPORATION, et al.,

 Defendants.

No. 2:16-cv-02693-DAD-DB (PS)

ORDER ADOPTING FINDINGS AND
RECOMMENDATIONS AND GRANTING
THE PARTIES’ REQUEST FOR DISMISSAL
OF THIS ACTION WITH PREJUDICE
PURSUANT TO THE PARTIES’
SETTLEMENT IN THIS CASE

(Doc. Nos. 108, 110)

Plaintiffs Raul Zamudio and Soledad Zamudio filed the complaint initiating this civil action on November 14, 2016, and are proceeding in this action *pro se*. (Doc. No. 1.) This matter was referred to a United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

On September 6, 2023, defendants filed a request for dismissal of this action, with prejudice, pursuant to the parties’ settlement of both this action and the related case pending in this court, *Zamudio et al., v. FMC Corporation et al.*, 2:19-cv-00111-DAD-DB. (Doc. No. 108.) In the pending request, defendants state that “[t]he parties have agreed upon the provision of the settlement monies that the Court may dismiss with prejudice these settled actions per paragraph 18 of the Settlement Agreement,” a copy of which is attached to the request.” (*Id.* at 2.) On September 7, 2023, the assigned magistrate judge issued an order directing plaintiffs to file an

1 opposition to the pending request, if any, within fourteen days of that order. (Doc. No. 109.)

2 Plaintiffs did not thereafter file an opposition to the pending request.

3 Consequently, on October 23, 2023, the magistrate judge issued findings and
4 recommendations recommending that defendants’ unopposed request for dismissal of this action,
5 with prejudice, pursuant to the parties’ signed settlement agreement, (Doc. No. 108) be granted
6 and that this action be dismissed with prejudice and closed. (Doc. No. 110.) Those pending
7 findings and recommendations were served on the parties and contained notice that any
8 objections thereto were to be filed within fourteen (14) days after service. (*Id.* at 2.) To date, no
9 objections to the pending findings and recommendations have been filed, and the time in which to
10 do so has now passed.

11 In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C), this court has conducted a
12 *de novo* review of the case. Having carefully reviewed the entire file, the court concludes that the
13 findings and recommendations are supported by the record and by proper analysis.

14 Accordingly,

- 15 1. The findings and recommendations issued on October 23, 2023 (Doc. No. 110) are
16 adopted in full;
- 17 2. Defendants’ request to dismiss this action with prejudice (Doc. No. 108) is
18 granted;
- 19 3. This action is dismissed with prejudice pursuant to the parties’ settlement
20 agreement in this action;¹ and

21 /////

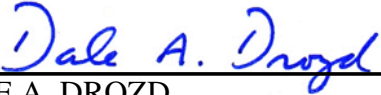
22 ¹ The court notes that in defendants’ request, they state: “All matters are now at an end [and] the
23 parties wish that the Court enter an Order dismissing with prejudice the *Raul Zamudio and*
24 *Soledad Zamudio v. FMC Corporation, et.al.*, Case No. 2:16-cv-02693-DAD-DB & Case No.
25 2:19-cv-00111-TLN-DB.” (Doc. No. 108.) However, this statement in this request, which
26 defendants filed in this action, is not sufficient for the parties to obtain dismissal of the related
27 case. The parties are reminded of the court’s order dated April 1, 2021 in the related case, in
28 which the court stayed that case pending resolution of this case and provided that “[w]ithin thirty
(30) days of the resolution of case number 2:16-cv-02693-TLN-DB, the parties are ORDERED to
file a joint status report regarding the status of the instant action.” *Zamudio, et al., v. FMC Corp.,*
et al., 2:19-cv-00111-DAD-DB, Doc. No. 45 (April 1, 2021). Thus, to the extent the parties seek
dismissal of that related case, they must file a request or stipulation on the docket in that action.

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4. The Clerk of the Court is directed to close this case.

IT IS SO ORDERED.

Dated: December 23, 2023



DALE A. DROZD
UNITED STATES DISTRICT JUDGE