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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

A.C.,
Plaintiff,
v.
CITY OF SANTA CLARA, et al.,
Defendants.

Case No. 13-cv-03276-HSG


**ORDER RE: REQUEST FOR
VOLUNTARY DISMISSAL**

Re: Dkt. No. 127

The Court has reviewed Plaintiff's request to voluntarily dismiss his § 1983 claim against Defendant Nathan Crescini (Dkt. No. 127), as well as Defendants' objections (Dkt. Nos. 126, 128). The Court lacks jurisdiction to grant the requested dismissal due to Defendant Crescini's pending docketed appeal. While it is difficult to imagine that the appeal will go forward notwithstanding Plaintiff's offer to dismiss the § 1983 claim with prejudice, Federal Rule of Appellate Procedure 42 governs the disposition of this issue.

IT IS SO ORDERED.

Dated: 9/28/2015


HAYWOOD S. GILLIAM, JR.
United States District Judge

United States District Court
Northern District of California