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United States District Court  
Northern District of California

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

MICHELLE-LAEL B. NORSWORTHY,  
Plaintiff,  
v.  
SCOTT KERNAN, et al.,  
Defendants.

Case No. 14-cv-00695-JST

**MINUTE ORDER NOTING DISMISSAL**

Re: ECF No. 139

Before the Court is a joint Stipulation for Voluntary Dismissal with Prejudice. ECF No. 139.

The case is currently on remand from the Ninth Circuit. Norsworthy v. Beard, 802 F.3d 1090, 1092 (9th Cir. 2015). The California Department of Corrections and Rehabilitation (“CDCR”) had appealed this Court’s prior preliminary injunction order requiring it to provide Ms. Norsworthy with adequate medical care, see ECF No. 94, and argued to the Ninth Circuit that the case had become moot upon the CDCR’s decision to release Ms. Norsworthy on parole, Norsworthy, 802 F.3d at 1092. The Ninth Circuit instructed this Court to determine on remand whether the CDCR’s appeal had become moot “through happenstance or the defendants’ own actions,” and if the latter, whether this Court should vacate its preliminary injunction order under Ringsby Truck Lines, Inc. v. Western Conference of Teamsters, 686 F.2d 720, 722 (9th Cir. 1982). Id. at 1093. This Court then held a Case Management Conference and set a schedule for the parties to take discovery on the question posed by the Ninth Circuit. See ECF Nos. 135, 136, 137.

The parties have now filed a stipulation of dismissal dated February 23, 2016, stating that they have agreed to a settlement of this action. ECF No. 139. Since the stipulation is signed by all parties who have appeared, it is effective without court order pursuant to Federal Rule of Civil

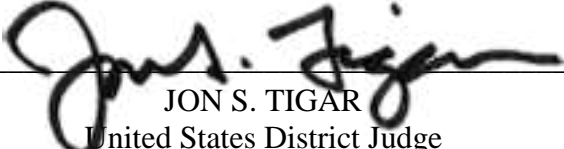
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Procedure 41(a)(1)(A)(ii). Accordingly, the Court dismisses the case with prejudice, without reaching the question of whether the appeal has become moot through happenstance or the defendants' own actions, or whether there is sufficient cause to vacate its prior preliminary injunction order.

The Case Management Conference scheduled for March 1, 2016 is hereby vacated. The Clerk shall close the file.

**IT IS SO ORDERED.**

Dated: February 24, 2016

  
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JON S. TIGAR  
United States District Judge