

1 IN THE UNITED STATES DISTRICT COURT  
 2 FOR THE NORTHERN DISTRICT OF CALIFORNIA

3 DARRYL LEE GOLDSTEIN,

No. C 08-04840 SBA (PR)

4 Plaintiff,

**ORDER DISMISSING ACTION WITH  
 PREJUDICE**

5 v.

6 DON HORSLEY, et al.,

7 Defendants.  
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9 This case was referred to Magistrate Judge Nandor Vadas for court-ordered settlement  
 10 proceedings. On October 25, 2011, the parties appeared before Magistrate Judge Vadas for a  
 11 settlement conference. In his "Report of Pro Se Prisoner Early Settlement Proceeding" dated  
 12 October 27, 2011, Magistrate Judge Vadas informed the Court that "[t]he case has been completely  
 13 settled subject to Plaintiff signing Release." (Oct. 27, 2011 Report at 2.)

14 On November 2, 2011, the Court received a copy of the "Stipulation of Dismissal With  
 15 Prejudice Pursuant to F.R.C.P. 41(a)(1)" signed by both parties as well as a proposed order for the  
 16 dismissal of this action. The signed stipulation states:

17 IT IS HEREBY STIPULATED by and between the parties to this action, through  
 18 Defendants' designated counsel and Plaintiff, in pro per, that this entire action is  
 19 hereby DISMISSED WITH PREJUDICE pursuant to F.R.C.P. 41(a)(1). Each party  
 will bear their own costs and attorneys' fees. Plaintiff represents that he is a pro per  
 litigant entering into this Stipulation on his own free will.

20 (Stipulation at 1.)

21 Accordingly, having been notified of the settlement and it appearing that no issue remains for  
 22 the Court's determination,

23 IT IS HEREBY ORDERED THAT this action and all claims asserted herein against all  
 24 named Defendants are DISMISSED WITH PREJUDICE. The Clerk of the Court shall terminate  
 25 any pending motions (docket nos. 68, 81, 86, 87, 93, 94, 98) and close the file.

26 IT IS SO ORDERED.

27 DATED: 11/7/11

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 SAUNDRA BROWN ARMSTRONG  
 United States District Judge

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UNITED STATES DISTRICT COURT  
FOR THE  
NORTHERN DISTRICT OF CALIFORNIA

DARRYL LEE GOLDSTEIN,

Plaintiff,

v.

DON HORSLEY et al,

Defendant.

Case Number: CV08-04840 SBA

**CERTIFICATE OF SERVICE**

I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S. District Court, Northern District of California.

That on November 9, 2011, I SERVED a true and correct copy(ies) of the attached, by placing said copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing said envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery receptacle located in the Clerk's office.

Darryl Lee Goldstein P-79097  
California State Prison - Solano  
2100 Peabody Rd.  
Vacaville, CA 95696

Dated: November 9, 2011

Richard W. Wieking, Clerk  
By: LISA R CLARK, Deputy Clerk