

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA

Michael Owen Gardner v. CDCR, et al.

Gardner v. CDCR · No. 1:24-cv-00933-JLT-SAB (PC) · Decided August 19, 2025

SUMMARY

The United States District Court for the Eastern District of California addresses the parties’ stipulation to voluntarily dismiss the action with prejudice under Federal Rule of Civil Procedure 41(a)(1)(A)(ii). The court explains that the stipulation automatically terminates the action, directs the Clerk to close the case and terminate pending matters, and orders each party to bear its own costs and fees.

CASE DETAILS

COURT	United States District Court for the Eastern District of California
WRITING FOR THE COURT	Stanley A. Boone
JURISDICTION	United States District Court for the Eastern District of California
DECIDED	August 19, 2025
DOCKET	1:24-cv-00933-JLT-SAB (PC)
DISPOSITION	dismissed
PROCEDURAL POSTURE	Plaintiff brought a pro se, in forma pauperis action under 42 U.S.C. § 1983. After the parties resolved the case, they filed a signed stipulation for voluntary dismissal with prejudice under Federal Rule of Civil Procedure 41(a)(1)(A)(ii).
PRECEDENTIAL VALUE	unpublished

TOPICS

civil procedure section 1983

PRACTICE AREAS

civil procedure civil rights prisoner civil rights

QUESTIONS PRESENTED

- Whether a signed stipulation of dismissal filed by all parties who appeared automatically terminates the action under Federal Rule of Civil Procedure 41(a)(1)(A)(ii).

2. Whether the court should terminate the action, terminate pending motions and deadlines, and close the case following the parties' stipulation for dismissal with prejudice.

HOLDINGS

1. A voluntary stipulation of dismissal signed by all parties who have appeared and filed under Rule 41(a)(1)(A)(ii) automatically terminates the action without operation of a court order.

KEY QUOTATIONS

“A voluntary stipulation to dismiss an action pursuant to Rule 41(a)(1)(A)(ii) automatically terminates the action without operation of a court order.” (1)

FACTUAL BACKGROUND

Michael Owen Gardner filed a pro se and in forma pauperis civil-rights action under 42 U.S.C. § 1983 against CDCR and other defendants. The parties resolved the case in its entirety and jointly signed and filed a stipulation for dismissal with prejudice. The stipulation was filed pursuant to Federal Rule of Civil Procedure 41(a)(1)(A)(ii).

PROCEDURAL HISTORY

On August 18, 2025, the parties filed a stipulation dismissing the action with prejudice. The court held that the stipulation terminated the action by operation of law, directed the Clerk to terminate pending motions and deadlines, and ordered the action closed.

DISPOSITION

dismissed

CASES CITED

- Black Rock City, LLC v. Pershing Cty. Bd. of Comm'rs, 637 F. App'x 488 (9th Cir. 2016)
- Commercial Space Mgmt. Co. v. Boeing Co., 193 F.3d 1074, 1077 (9th Cir. 1999)

OPINION

(PC) Gardner v. CDCR

PER CURIAM.

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8 UNITED STATES DISTRICT COURT

9 EASTERN DISTRICT OF CALIFORNIA

10

11 MICHAEL OWEN GARDNER, No. 1:24-cv-00933-JLT-SAB (PC)

12 Plaintiff, ORDER TERMINATING ACTION

PURSUANT TO PARTIES STIPULATION

13 v. FOR VOLUNTARY DISMISSAL

14 CDCR, et al., (ECF No. 35) 15 Defendants. 16 17 Plaintiff is proceeding pro se and in forma
pauperis in this action filed pursuant to 42 U.S.C. § 18 1983. 19 On August 18, 2025, the parties
filed a stipulation to dismiss this action with prejudice 20 pursuant to Rule 41(a)(1)(A)(ii) of the
Federal Rules of Civil Procedure, as the case has been 21 resolved in its entirety. (ECF No. 35.)

22 Rule 41(a)(1)(A)(ii) provides in pertinent part that, “the plaintiff may dismiss an action
23 without a court order by filing . . . a stipulation of dismissal signed by all parties who have
appeared. 24 A voluntary stipulation to dismiss an action pursuant to Rule 41(a)(1)(A)(ii)
automatically 25 terminates the action without operation of a court order.” Black Rock City, LLC
v. Pershing Cty. 26 Bd. of Comm’rs, 637 F. App’x 488 (9th Cir. 2016) (citing Commercial Space
Mgmt. Co. v. Boeing 27 Co., 193 F.3d 1074, 1077 (9th Cir. 1999)). Here, Plaintiff and counsel for
Defendants have signed 28 1 and dated a stipulation to dismiss this action, and filed it with the
Court. 2 In light of parties’ stipulation for voluntary dismissal, this action is terminated by
operation 3 | of law without further order from the Court. Fed. R. Civ. P. 41(a)(1)(A)(il). Each
party is to bear 4 | its own litigation costs and attorney’s fees. The Clerk of the Court is directed to
terminate all 5 | pending motions and deadlines and close this action. 6

7 IT IS SO ORDERED. FA. Se

g | Dated: _ August 19, 2025 ;

STANLEY A. BOONE

9 United States Magistrate Judge 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28