

**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

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

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