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6 **IN THE UNITED STATES DISTRICT COURT**  
7 **FOR THE DISTRICT OF ARIZONA**  
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9 Colleen McQuade-Arrequin,  
10 Plaintiff,

11 v.

12 Grand Canyon Education Incorporated,  
13 Defendant.  
14

No. CV16-00549-PHX-DGC

**ORDER**

15 The parties have stipulated to stay these proceedings because they have submitted  
16 to a binding pre-dispute arbitration. Doc. 7. The Court finds that a stay is unnecessary,  
17 and will instead dismiss the case.

18 A district court has discretion to stay or dismiss an action when it finds that the  
19 parties' arbitration agreement is "valid and enforceable." *Nagrampa v. MailCoups, Inc.*,  
20 469 F.3d 1257, 1276 (9th Cir. 2006). Some district courts have found that the Ninth  
21 Circuit favors stays over dismissals. *See Tierra Right of Way Servs., Ltd. V. Abengoa*  
22 *Solar Inc.*, No. CV-11-00323-PHX-GMS, 2011 WL 2292007, at \*7 (D. Ariz. June 9,  
23 2011) (citing *Bushley v. Credit Suisse First Boston*, 360 F.3d 1149, 1153 n.1 (9th Cir.  
24 2004)). However, a district court does not err by dismissing a case even where neither  
25 party requests dismissal. *Sparling v. Hoffman Const. Co., Inc.*, 864 F.2d 635, 637-38 (9th  
26 Cir. 1988); *see Cayenne Med., Inc. v. MedShape, Inc.*, No. 2:14-CV-0451-HRH, 2015  
27 WL 5363717, at \*4 (D. Ariz. Sept. 15, 2015) (holding that "[g]enerally, a stay is  
28 appropriate but it is within the court's discretion to dismiss a case" when all claims are

1 subject to arbitration) (citing *Delgadillo v. James McKaone Enters., Inc.*, No. 1:12-cv-  
2 1149 AWI MJS, 2012 WL 4027019, at \*3 (E.D. Cal. Sept. 12, 2012)). The parties in this  
3 case have submitted all claims to arbitration. Therefore, the Court will exercise its  
4 discretion to dismiss the case without prejudice.

5 **IT IS ORDERED** that this case is **dismissed** without prejudice and the Clerk is  
6 directed to **terminate** this action.

7 Dated this 20th day of April, 2016.

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David G. Campbell  
United States District Judge