

1 an answer or a motion for summary judgment; or a stipulation of dismissal signed by all parties
2 who have appeared." Fed.R.Civ.P. 41(a)(1)(A). In this case, defendants Ali, Akanno, Lopez and
3 Youssef filed an answer to the Second Amended Complaint on March 30, 2010. (Doc. 45.) No
4 other parties have appeared in this action. Therefore, before plaintiff can dismiss defendant
5 Akanno, defendants Ali, Akanno, Lopez and Youssef must consent in writing to the dismissal.
6 Defendants shall be required to respond in writing to plaintiff's motion to dismiss.

7 **III. CONCLUSION**

8 Accordingly, IT IS HEREBY ORDERED that within thirty days of the date of service of
9 this order, defendants Ali, Akanno, Lopez and Youssef shall respond in writing to plaintiff's
10 motion to dismiss, indicating whether they consent to the dismissal of defendant Akanno, or
11 whether they have any reason to oppose the dismissal.

12
13 IT IS SO ORDERED.

14 **Dated: April 15, 2010**

/s/ Gary S. Austin
UNITED STATES MAGISTRATE JUDGE