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5 **UNITED STATES DISTRICT COURT**
6 **EASTERN DISTRICT OF CALIFORNIA**
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8 **HERMAN D. SHEAD,**

9 **Plaintiff,**

10 **v.**

11 **C/O VANG,**

12 **Defendant.**

CASE NO. 1:09-CV-006 AWI SKO (PC)

**ORDER CLOSING CASE IN LIGHT OF
STIPULATION FOR DISMISSAL WITH
PREJUDICE**

(Doc. No. 134)

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16 On February 23, 2016, the parties filed a stipulation for dismissal of this action with
17 prejudice. See Doc. No. 134. The stipulation is made pursuant to Federal Rule of Civil Procedure
18 41(a)(1)(A)(ii). See id.
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20 Rule 41(a)(1), in relevant part, reads:

21 (A) . . . the plaintiff may dismiss an action without a court order by filing: (i) a
22 notice of dismissal before the opposing party serves either an answer or a motion
23 for summary judgment; or (ii) a stipulation of dismissal signed by all parties who
24 have appeared. . . . (B) Unless the notice or stipulation states otherwise, the
dismissal is without prejudice.

25 Dismissals under Rule 41(a)(1)(A), when properly filed, are effective immediately and do not
26 require a court order/court approval. See Fed. R. Civ. P. 41(a)(1); Yesh Music v. Lakewood
27 Church, 727 F.3d 356, 362 (5th Cir. 2013); Commercial Space Mgmt. Co. v. Boeing Co., 193 F.3d
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1 1074, 1077 (9th Cir. 1999); Wilson v. City of San Jose, 111 F.3d 688, 692 (9th Cir. 1997); In re
2 Wolf, 842 F.2d 464, 466 (D.C. Cir. 1989).

3 Here, all remaining parties who have appeared in this case have signed the stipulated
4 dismissal. Because all parties have signed the stipulated dismissal with prejudice, this case has
5 terminated automatically. See id.

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7 Therefore, IT IS HEREBY ORDERED that the Clerk shall CLOSE this case in light of the
8 parties' properly filed and signed Rule 41(a)(1)(A)(ii) Stipulation Of Dismissal With Prejudice.
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11 IT IS SO ORDERED.

12 Dated: February 24, 2016

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14 SENIOR DISTRICT JUDGE
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