

1 although an oral stipulation in open court will also suffice. *Carter v. Beverly Hills Sav. & Loan*
2 *Asso.*, 884 F.2d 1186, 1191 (9th Cir. 1989); *Eitel v. McCool*, 782 F.2d 1470, 1472-73 (9th Cir.
3 1986). Once the stipulation between the parties who have appeared is properly filed or made in
4 open court, no order of the court is necessary to effectuate dismissal. Fed. R. Civ. Pro.
5 41(a)(1)(ii); *Eitel*, 782 F.2d at 1473 n.4. “Caselaw concerning stipulated dismissals under Rule
6 41(a)(1)(ii) is clear that the entry of such a stipulation of dismissal is effective automatically and
7 does not require judicial approval.” *In re Wolf*, 842 F.2d 464, 466 (D.C. Cir. 1989); *Gardiner v.*
8 *A.H. Robins Co.*, 747 F.2d 1180, 1189 (8th Cir. 1984); *see also Gambale v. Deutsche Bank AG*,
9 377 F.3d 133, 139 (2d Cir. 2004); *Commercial Space Mgmt. Co. v. Boeing Co.*, 193 F.3d 1074,
10 1077 (9th Cir. 1999) *cf. Wilson v. City of San Jose*, 111 F.3d 688, 692 (9th Cir. 1997) (addressing
11 Rule 41(a)(1) dismissals). “The plaintiff may dismiss some or all of the defendants, or some or
12 all of his claims, through a Rule 41(a)(1) notice,” and the dismissal “automatically terminates the
13 action as to the defendants who are the subjects of the notice.” *Wilson*, 111 F.3d at 692; *Concha*
14 *v. London*, 62 F.3d 1493, 1506 (9th Cir. 1995).

15 Because the parties have filed a stipulation for dismissal of this case with [without]
16 prejudice under Rule 41(a)(1)(A)(ii) that is signed by all parties who have made an appearance,
17 this case has terminated. *See* Fed. R. Civ. Pro. 41(a)(1)(A)(ii); *In re Wolf*, 842 F.2d at 466;
18 *Gardiner*, 747 F.2d at 1189; *see also Gambale*, 377 F.3d at 139; *Commercial Space Mgmt*, 193
19 F.3d at 1077; *cf. Wilson*, 111 F.3d at 692. With the termination of this case, a Findings and
20 Recommendation, issued by the Magistrate Judge on August 8, 2017, is now moot.

21 Therefore, IT IS HEREBY ORDERED that:

- 22 1. The Clerk is ordered to close this case in light of the filed and properly signed Rule
23 41(a)(1)(A)(ii) Stipulation For Voluntary Dismissal With Prejudice; and
- 24 2. The August 9, 2017, Findings and Recommendation (Doc. No. 144) is MOOT.

25 IT IS SO ORDERED.

26 Dated: August 14, 2017

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28 SENIOR DISTRICT JUDGE