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**IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF CALIFORNIA**

DONALD WILLIAMS

1:10-CV-02358 AWI SKO

Plaintiff,

**ORDER GRANTING
PLAINTIFF’S REQUEST FOR
DISMISSAL**

v.

LYCOMING, A TEXTRON CO., et al.,

[Doc. 13 and 21]

Defendants.

On January 17, 2011, Plaintiff Donald Williams (“Plaintiff”) filed a Request to Dismiss Defendant Christin, Inc. and all Doe Defendants. (Doc. 13.) Plaintiff filed the identical document on January 28, 2011. (Doc. 21.) Under Rule 41(a)(1)(A)(i) of the Federal Rules of Civil Procedure, a plaintiff may dismiss an action without a court order by filing a notice of dismissal before the opposing party serves either an answer or a motion for summary judgment. Unless otherwise stated, the dismissal is ordinarily without prejudice to the plaintiff’s right to commence another action for the same cause against the same defendants. Concha v. London, 62 F.3d 1493, 1506 (9th Cir. 1995) (citing McKenzie v. Davenport-Harris Funeral Home, 834 F.2d 930, 934-35 (9th Cir. 1987)).

In this case, no answer or motion for summary judgment was filed by these Defendants. Therefore, Plaintiff’s request for dismissal automatically dismissed the case as to Christin, Inc.

1 and Doe Defendants upon receipt by the Court.

2 Therefore, IT IS HEREBY ORDERED that Plaintiff's Request to Dismiss Christin, Inc.
3 and all Doe Defendants is GRANTED. Christin, Inc. and Doe Defendants are DISMISSED from
4 this case without prejudice.

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6 IT IS SO ORDERED.

7 Dated: February 3, 2011


8 CHIEF UNITED STATES DISTRICT JUDGE

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