## 1 2 3 4 5 UNITED STATES DISTRICT COURT 6 7 EASTERN DISTRICT OF CALIFORNIA 8 9 PETER FUGAWA. No. 1:11-cv-00966-LJO-SKO (PC) 10 Plaintiff. ORDER CLOSING CASE IN LIGHT OF 11 STIPULATION FOR DISMISSAL WITH v. **PREJUDICE** 12 TRIMBLE, et al., (Docs. 109) 13 Defendants. 14 15 16 On March 15, 2019, the parties filed a stipulation for voluntary dismissal with prejudice of 17 this matter pursuant to Federal Rule of Civil Procedure 41(a)(1)(A)(ii).<sup>1</sup> 18 Rule 41(a)(1)(A), in relevant part, reads: 19 the plaintiff may dismiss an action without a court order by filing: (i) a 20 notice of dismissal before the opposing party serves either an answer or a motion for summary judgment; (ii) a stipulated dismissal signed by all 21 parties who have appeared. 22 Rule 41(a)(1)(A)(ii) allows the parties to dismiss an action voluntarily, after service of an 23 answer, by filing a written stipulation to dismiss signed by all of the parties who have appeared, 24 although an oral stipulation in open court will also suffice. Carter v. Beverly Hills Sav. & Loan 25 Asso., 884 F.2d 1186, 1191 (9th Cir. 1989); Eitel v. McCool, 782 F.2d 1470, 1472-73 (9th Cir. 26 1986). Once the stipulation between the parties who have appeared is properly filed or made in 27 open court, no order of the court is necessary to effectuate dismissal. Fed. R. Civ. Pro. 28

<sup>1</sup> Plaintiff filed a separate notice of voluntary dismissal under Rule 41(a) that same day. (See Doc. 77.)

1	41(a)(1)(ii); Eitel, 782 F.2d at 1473 n.4. "Caselaw concerning stipulated dismissals under Rule
2	41(a)(1)(ii) is clear that the entry of such a stipulation of dismissal is effective automatically and
3	does not require judicial approval." In re Wolf, 842 F.2d 464, 466 (D.C. Cir. 1989); Gardiner v.
4	A.H. Robins Co., 747 F.2d 1180, 1189 (8th Cir. 1984); see also Gambale v. Deutsche Bank AG,
5	377 F.3d 133, 139 (2d Cir. 2004); Commercial Space Mgmt. Co. v. Boeing Co., 193 F.3d 1074,
6	1077 (9th Cir. 1999) cf. Wilson v. City of San Jose, 111 F.3d 688, 692 (9th Cir. 1997) (addressing
7	Rule 41(a)(1) dismissals).
8	This case terminated when the parties filed a stipulation for dismissal with prejudice under
9	Rule 41(a)(1)(A)(ii) that was properly signed by all parties who have appeared in this action. See
10	Fed. R. Civ. Pro. 41(a)(1)(A)(ii); In re Wolf, 842 F.2d at 466; Gardiner, 747 F.2d at 1189; see
11	also Gambale, 377 F.3d at 139; Commercial Space Mgmt, 193 F.3d at 1077; cf. Wilson, 111 F.3d
12	at 692.
13	Therefore, IT IS HEREBY ORDERED that the Clerk of the Court close this case in light
14	of the properly executed Stipulation for Voluntary Dismissal With Prejudice under Federal Rule
15	of Civil Procedure 41(a)(1)(A)(ii).
16	IT IS SO ORDERED.
17	Dated: March 19, 2019   S   Sheila K. Oberto
18	UNITED STATES MAGISTRATE JUDGE
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