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

<b>YELDBOOST TECH, INC.,</b>	)	<b>1:11-CV-2100 AWI DLB</b>
	)	
<b>Plaintiff,</b>	)	<b>ORDER CLOSING CASE IN</b>
	)	<b>LIGHT OF PLAINTIFFS'</b>
<b>v.</b>	)	<b>RULE 41(a) NOTICE OF</b>
	)	<b>DISMISSAL</b>
<b>APPLIED MATERIALS, INC.,</b>	)	
	)	
<b>Defendants.</b>	)	

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On April 9, 2012, Plaintiff filed a notice of voluntary dismissal without prejudice pursuant to Federal Rule of Civil Procedure 41(a)(1)(A)(i).

Rule 41(a)(1), in relevant part, reads:

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

In *Wilson v. City of San Jose*, the Ninth Circuit explained:

Under Rule 41(a)(1), a plaintiff has an absolute right to voluntarily dismiss his action prior to service by the defendant of an answer or a motion for summary judgment. Concha v. London, 62 F.3d 1493, 1506 (9th Cir. 1995) (citing Hamilton v. Shearson-Lehman American Express, 813 F.2d 1532, 1534 (9th Cir. 1987)). A plaintiff may dismiss his action so long as the plaintiff files a notice of dismissal prior to the defendant's service of an answer or motion for summary judgment. The dismissal is effective on filing and no court order is required. Id.

1 The plaintiff may dismiss some or all of the defendants, or some or all of his  
2 claims, through a Rule 41(a)(1) notice. Id.; Pedrina v. Chun, 987 F.2d 608, 609-  
3 10 (9th Cir. 1993). The filing of a notice of voluntary dismissal with the court  
4 automatically terminates the action as to the defendants who are the subjects of  
5 the notice. Concha, 62 F.2d at 1506. Unless otherwise stated, the dismissal is  
6 ordinarily without prejudice to the plaintiff's right to commence another action for  
7 the same cause against the same defendants. Id. (citing McKenzie v. Davenport-  
8 Harris Funeral Home, 834 F.2d 930, 934-35 (9th Cir. 1987)). Such a dismissal  
9 leaves the parties as though no action had been brought. Id.

10 Wilson v. City of San Jose, 111 F.3d 688, 692 (9th Cir. 1997).

11 No answers to Plaintiff's complaint and no motions for summary judgment have been  
12 filed in this case and it appears that no such answers or summary judgment motions have been  
13 served. Because Plaintiffs have exercised their right to voluntarily dismiss their complaint under  
14 Rule 41(a)(1), this case has terminated. See Wilson, 111 F.3d at 692.

15 Therefore, IT IS HEREBY ORDERED that the Clerk is ordered to close this case in light  
16 of Plaintiff's Rule 41(a)(1)(i) requested dismissal without prejudice.

17 IT IS SO ORDERED.

18 Dated: April 13, 2012

19   
20 CHIEF UNITED STATES DISTRICT JUDGE