

1
2
3
4
5 **UNITED STATES DISTRICT COURT**
6 **EASTERN DISTRICT OF CALIFORNIA**
7

8 **NEIL O'BRIEN,**

9 **Plaintiff,**

10 **v.**

11 **DR. JOHN WELTY, et al.,**

12 **Defendants.**
13
14

CASE NO. 1:12-CV-2017 AWI SAB

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

(Doc. No. 49)

15
16 On November 30, 2016, the parties filed a stipulation for dismissal of this entire case with
17 prejudice under Rule 41(a)(1)(A)(ii). See Doc. No. 49.

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

19 (A) . . . 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
21 for summary judgment; or (ii) a stipulation of dismissal signed by all parties who
22 have appeared. . . . (B) Unless the notice or stipulation states otherwise, the
dismissal is without prejudice.

23 Dismissals under Rule 41(a)(1)(A), when properly filed, are effective immediately and do not
24 require a court order/court approval. See Fed. R. Civ. P. 41(a)(1); Yesh Music v. Lakewood
25 Church, 727 F.3d 356, 362 (5th Cir. 2013); Commercial Space Mgmt. Co. v. Boeing Co., 193 F.3d
26 1074, 1077 (9th Cir. 1999); Wilson v. City of San Jose, 111 F.3d 688, 692 (9th Cir. 1997); In re
27 Wolf, 842 F.2d 464, 466 (D.C. Cir. 1989).
28

1 Here, all parties who have appeared in this case have signed the stipulated dismissal. See
2 Doc. No. 49. Because all appearing parties have signed the stipulated dismissal with prejudice,
3 this case has terminated automatically. See Fed. R. Civ. P. 41(a)(1)(A); Yesh Music, 727 F.3d at
4 362; Commercial Space, 193 F.3d at 1077.

5
6 Therefore, IT IS HEREBY ORDERED that the Clerk shall CLOSE this case in light of the
7 properly filed and signed Rule 41(a)(1)(A) Stipulation Of Dismissal With Prejudice.
8

9
10 IT IS SO ORDERED.

11 Dated: December 1, 2016


12 SENIOR DISTRICT JUDGE