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5 **UNITED STATES DISTRICT COURT**
6 **EASTERN DISTRICT OF CALIFORNIA**
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8 **NORBERTO AZUA, JR.,**

9 **Plaintiff,**

10 **v.**

11 **CITY OF PARLIER, et al.,**

12 **Defendants.**

CASE NO. 1:14-CV-198 AWI SMS

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

(Doc. No. 35)

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17 On November 2, 2015, the parties filed a stipulation for dismissal of this action with
18 prejudice. See Doc. No. 35. The stipulation is made pursuant to Federal Rule of Civil Procedure
19 41(a)(1)(A)(ii). See id.

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

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

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

3 Here, all parties who have appeared in this case have signed the stipulated dismissal.
4 Because all parties have signed the stipulated dismissal with prejudice, this case has terminated
5 automatically. See id.

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

12 Dated: November 3, 2015

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15 SENIOR DISTRICT JUDGE
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