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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

JUAN CARLOS MARTINEZ,

Plaintiff,

v.

BEARD, et al.,

Defendants.

Case No. 1:14-cv-00405-DAD-JLT (PC)

**ORDER DIRECTING THE CLERK OF
THE COURT TO CLOSE THE CASE AS
TO “JESSE A.” ONLY**

(Doc. 86)

On February 7, 2017, the plaintiff filed a notice of voluntary dismissal of defendant, “Jesse A.” only. (Doc. 86) Jesse A. has not appeared in this action. Federal Rules of Civil Procedure Rule 41 provides that “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 . . .” Fed. R. Civ. P. 41(a)(1)(A). Once such a notice has been filed, an order of the Court is not required to make the dismissal effective. Fed. R. Civ. P. 41(a)(1)(ii); Wilson v. City of San Jose, 111 F.3d 688, 692 (9th Cir. 1997). Accordingly, the Clerk of Court is **DIRECTED** to close this action **as to Jesse A. only** in light of the notice of dismissal filed and properly signed pursuant to Rule 41(a).

IT IS SO ORDERED.

Dated: February 16, 2017

/s/ Jennifer L. Thurston
UNITED STATES MAGISTRATE JUDGE