

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA**

GURDIP KAUR,  
Plaintiff,  
v.  
JANET NAPOLITANO, et. al.,  
Defendants.

**1:14-cv-00469 --- GSA**  
**ORDER DIRECTING THE CLERK OF  
COURT TO ADMINISTRATIVELY CLOSE  
CASE**  
**(Doc. 15)**

On September 16, 2014, the Plaintiff in this action filed a joint stipulation of voluntary dismissal, with prejudice, signed by all parties to this action. Federal Rule of Civil Procedure 41(a)(1)(A), in relevant part, provides:

[T]he plaintiff may dismiss an action without a court order by filing: (1) 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.

Rule 41(a)(1)(B) further provides that a dismissal pursuant to Rule 41(a)(1)(A) is without prejudice “[u]nless the notice or stipulation states otherwise.”

Rule 41(a)(1)(A)(ii) thus allows a plaintiff to voluntarily dismiss an action with prejudice

1 by filing a written stipulation to that effect signed by all parties who have appeared in the action.  
2 Such a stipulation of dismissal is self-executing and does not require an order of the court to  
3 effectuate dismissal. *Eitel v. McCool*, 782 F.2d 1470, 147 (9th Cir. 1986) (Rule 41(a)(1) provides  
4 for dismissal by the plaintiff without order of the court by filing a stipulation of dismissal signed  
5 by all parties who have appeared in the action); *DeLeon v. Marcos*, 659 F.3d 1276, 1283 (10<sup>th</sup> Cir.  
6 2011) (“A stipulation of dismissal under Rule 41(a)(1)(A)(i) or (ii) is self-executing and  
7 immediately strips the district court of jurisdiction over the merits.”); *In re Wolf*, 842 F.2d 464,  
8 466 (D.C. Cir. 1989) (“[c]aselaw concerning stipulated dismissals under Rule 41(a)(1)(ii) is clear  
9 that the entry of such a stipulation of dismissal is effective automatically and does not require  
10 judicial approval”) (parentheses in original) (citation omitted); *Casida v. Sears Holding Corp.*, No.  
11 1:11-cv-1052-AWI-JLT, 2013 WL 1314051, at \*1 (E.D. Cal. April 1, 2013) (the filing of  
12 stipulation for dismissal with prejudice pursuant to Rule 41(a)(1)(A)(ii) terminates the action).  
13  
14

15 Given that Plaintiff has filed a stipulation for dismissal with prejudice signed by all parties  
16 to this action, this case is terminated. Accordingly, the Clerk of the Court is ordered to  
17 administratively close the case.  
18

19 IT IS SO ORDERED.  
20

21 Dated: September 18, 2014

/s/ Gary S. Austin  
22 UNITED STATES MAGISTRATE JUDGE  
23  
24  
25  
26  
27  
28