

1
2
3
4
5
6
7
8 **UNITED STATES DISTRICT COURT**
9 **EASTERN DISTRICT OF CALIFORNIA**
10

11 JULIETA LUMPAYAO THORNTON,

12 Plaintiff,

13 v.

14 COMMISSIONER OF SOCIAL
15 SECURITY,

16 Defendant.

Case No. 1:14-cv-00542-SAB

ORDER DISMISSING ACTION PURSUANT
TO FED. R. CIV. P. 41(a)

(ECF No. 9)

17
18 Plaintiff Julieta Lumpayao Thornton filed this action on April 17, 2014 seeking review of
19 the decision denying Social Security benefits. (ECF No. 1.) On June 2, 2014, Plaintiff filed a
20 notice of voluntary dismissal pursuant to Fed. R. Civ. P. 41(a)(1)(A)(i) and (a)(1)(B). (ECF No.
21 9.) The parties have consented to the jurisdiction of the Magistrate Judge. (ECF Nos. 7, 8.)

22 “[U]nder Rule 41(a)(1)(I), ‘a plaintiff has an absolute right to voluntarily dismiss his
23 action prior to service by the defendant of an answer or a motion for summary judgment.’”
24 Commercial Space Mgmt. Co., Inc. v. Boeing Co., Inc., 193 F.3d 1074, 1077 (9th Cir. 1999)
25 (quoting Wilson v. City of San Jose, 111 F.3d 688, 692 (9th Cir. 1997)). “[A] dismissal under
26 Rule 41(a)(1) is effective on filing, no court order is required, the parties are left as though no
27 action had been brought, the defendant can’t complain, and the district court lacks jurisdiction to
28 do anything about it.” Id. at 1078.

1 Accordingly, IT IS HEREBY ORDERED that this action is DISMISSED without
2 prejudice, and each party shall bear its own fees, costs and expenses. The Clerk of the Court is
3 directed to close this action.

4
5 IT IS SO ORDERED.

6 Dated: June 3, 2014



UNITED STATES MAGISTRATE JUDGE

7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28