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

SHARON TURPITT,
Plaintiff,
vs.
RIVERBANK HOUSING AUTHORITY, et.
al.,
Defendants,

HOUSING AUTHORITY OF THE CITY OF
RIVERBANK,
Cross-Complainant,
vs.
UNITED STATES OF AMERICA, et al.,
Cross-Defendants.

No. 1:14-cv-00602---SKO
**ORDER DIRECTING CLERK OF
COURT TO ADMINISTRATIVELY
UPDATE DOCKET**

1 On January 22, 2015, Defendant and Cross-Defendant United States of America filed a
2 stipulation between the U.S. and Cross-Complainant Housing Authority of the City of
3 Riverbank that the cross-complainant's claims against the United States Postal Service be
4 dismissed with prejudice, each party to bear its own costs, pursuant to Federal Rule of Civil
5 Procedure 41(a)(1)(A)(ii). Moreover, the United States noted that it is now the sole cross-
6 defendant on the cross-complaint, having substituted into the action in place of Daryl A.
7 Trujillo.

8 In relevant part, Rule 41(a)(1)(A) provides as follows:

9 [A] plaintiff may dismiss an action with a court order by filing: (i) a notice of
10 dismissal before the opposing party serves either an answer or a motion for
11 summary judgment; or (ii) a stipulation of dismissal signed by all parties who
have appeared.

12 Fed. R. Civ. P. 41(a)(1)(A). Rule 41 thus allows the parties to dismiss an action voluntarily,
13 after service of an answer, by filing a written stipulation to dismiss signed by all of the parties
14 who have appeared, although an oral stipulation in open court will also suffice. *See Eitel v.*
15 *McCool*, 782 F.2d 1470, 1472-73 (9th Cir. 1986).

16 Once the stipulation between the parties who have appeared is properly filed or made in
17 open court, no order of the court is necessary to effectuate dismissal. Caselaw concerning
18 stipulated dismissals under Rule 41(a)(1)(A)(ii) is clear that the entry of such a stipulation of
19 dismissal is effective automatically and does not require judicial approval. *Commercial Space*
20 *Mgmt. Co. v. Boeing Co.*, 193 F.3d 1074, 1077 (9th Cir. 1999). "The plaintiff may dismiss
21 some or all of the defendants, or some or all of his claims, through a Rule 41(a)(1) notice," and
22 the dismissal "automatically terminates the action as to the defendants who are the subjects of
23 the notice." *Wilson v. City of San Jose*, 111 F.3d 688, 692 (9th Cir. 1997).

24 Because the parties have filed a stipulation for dismissal of cross-defendant United
25 States Postal Service under Rule 41(a)(1)(A)(ii), the United States Postal Service is no longer a
26 cross-defendant. Fed. R. Civ. P. 41(a)(1)(A)(ii).

27 Accordingly IT IS HEREBY ORDERED that the Clerk of the Court update the docket
28 to reflect that (1) the United States Postal Service is no longer a cross-defendant, and (2) Daryl

1 Trujillo is no longer a defendant or cross-defendant as the United States substituted into the
2 action in his place on December 24, 2014.

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4 IT IS SO ORDERED.

5 Dated: January 26, 2015

/s/ Sheila K. Oberto
UNITED STATES MAGISTRATE JUDGE

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