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

RONALD MOORE,)	No. 1:14-cv-00609---SKO
Plaintiff,)	ORDER DIRECTING CLERK OF COURT TO ADMINISTRATIVELY CLOSE CASE
vs.)	
SANDRA HALL, dba Jus Jo's Country Kitchen,)	
Defendant.)	

On June 23, 2014, Plaintiff filed the parties' stipulation that the action be dismissed with prejudice pursuant to Federal Rule of Civil Procedure 41(a)(1)(A)(ii).

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

[A] plaintiff may dismiss an action with a court order by filing: (i) 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.

Fed. R. Civ. P. 41(a)(1)(A). Rule 41 thus allows the parties to dismiss an action voluntarily, after service of an answer, by filing a written stipulation to dismiss signed by all of the parties

1 who have appeared, although an oral stipulation in open court will also suffice. *See Eitel v.*
2 *McCool*, 782 F.2d 1470, 1472-73 (9th Cir. 1986).

3 Once the stipulation between the parties who have appeared is properly filed or made in
4 open court, no order of the court is necessary to effectuate dismissal. Case authority
5 concerning stipulated dismissals under Rule 41(a)(1)(A)(ii) is clear that the entry of such a
6 stipulation of dismissal is effective automatically and does not require judicial approval.
7 *Commercial Space Mgmt. Co. v. Boeing Co.*, 193 F.3d 1074, 1077 (9th Cir. 1999). "The
8 plaintiff may dismiss some or all of the defendants, or some or all of his claims, through a Rule
9 41(a)(1) notice," and the dismissal "automatically terminates the action as to the defendants
10 who are the subjects of the notice." *Wilson v. City of San Jose*, 111 F.3d 688, 692 (9th Cir.
11 1997).

12 Because the parties have filed a stipulation for dismissal of this case with prejudice
13 under Rule 41(a)(1)(A)(ii) that is signed by all parties who have made an appearance, this case
14 has terminated. Fed. R. Civ. P. 41(a)(1)(A)(ii).

15 Accordingly the Clerk of the Court is HEREBY DIRECTED to administratively close
16 this case.

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19 IT IS SO ORDERED.

20 Dated: June 26, 2014

/s/ Sheila K. Oberto
UNITED STATES MAGISTRATE JUDGE

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