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

RONALD MOORE,

Plaintiff,

vs.

AVTAR S. MANJAL dba CENTRAL FOOD  
MART; GIAN S. RAKKAR dba CENTRAL  
FOOD MART; and RAKKAR and MANJAL  
dba JOHNNY QUIK #125,

Defendants.

No. 1:14-cv-1148---GSA

**ORDER DIRECTING THE CLERK OF  
COURT TO ADMINISTRATIVELY  
CLOSE CASE**

On September 30, 2014, Plaintiffs filed a Notice of Voluntary Dismissal against all Defendants (Doc. 12) pursuant to Federal Rule of Civil Procedure 41(a)(1)(A)(i).

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(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.”

1 Rule 41 thus allows the parties to dismiss an action voluntarily, either by filing a notice  
2 of voluntary dismissal prior to the filing of an answer, or after service of an answer, by filing a  
3 written stipulation to dismiss signed by all of the parties who have appeared, although an oral  
4 stipulation in open court will also suffice. *See Eitel v. McCool*, 782 F.2d 1470, 1472-73 (9th  
5 Cir. 1986).

6 Once a party files a notice of voluntary dismissal, no order of the court is necessary to  
7 effectuate dismissal. Caselaw concerning voluntary dismissals under Rule 41(a)(1)(A) is clear  
8 that the entry of such a dismissal is effective automatically and does not require judicial  
9 approval. *Commercial Space Mgmt. Co. v. Boeing Co.*, 193 F.3d 1074, 1077 (9th Cir. 1999).  
10 "The plaintiff may dismiss some or all of the defendants, or some or all of his claims, through a  
11 Rule 41(a)(1) notice," and the dismissal "automatically terminates the action as to the  
12 defendants who are the subjects of the notice." *Wilson v. City of San Jose*, 111 F.3d 688, 692  
13 (9th Cir. 1997).

14 Because Plaintiffs have filed a Notice of Dismissal against the Defendant under Rule  
15 41(a)(1)(A)(i) with prejudice, this case has terminated. Fed. R. Civ. P. 41(a)(1)(A)(i).  
16 Accordingly, the Clerk of the Court is ORDERED to administratively close this case.

17  
18 IT IS SO ORDERED.

19 Dated: October 9, 2014

/s/ Gary S. Austin  
UNITED STATES MAGISTRATE JUDGE