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8 Attorney for Plaintiff:
9 United States of America, for the use and benefit of
10 World Bridge Technologies, Inc.

11 **UNITED STATES DISTRICT COURT**
EASTERN DISTRICT OF CALIFORNIA
FRESNO DIVISION

12 UNITED STATES OF AMERICA, for the) 13 use and benefit of:) 14 WORLD BRIDGE TECHNOLOGIES, INC.,) 15 a California corporation,) 16) 17 Use-Plaintiff,) 18 v.) 19) 20 HUGO ALONSO, INC., a California) 21 corporation; HUDSON INSURANCE) 22 COMPANY, a Delaware corporation,) 23 SURETEC INDEMNITY COMPANY, a) 24 California corporation; DEVELOPERS) 25 SURETY AND INDEMNITY COMPANY,) 26 an Iowa corporation; DOES 1 through 40,) 27 inclusive,) 28 Defendants.)	CASE NO: 1:14-cv-01157-BAM ORDER OF DISMISSAL AND DIRECTING THE CLERK OF COURT TO ADMINISTRATIVELY CLOSE CASE
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23 On December 2, 2014, the Plaintiff in this action filed a joint stipulation of voluntary
24 dismissal, with prejudice, signed by all parties to this action. Federal Rule of Civil Procedure
25 41(a)(1)(A), in relevant part, provides:
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27 [T]he plaintiff may dismiss an action without a court order by filing: (1) a notice of
28 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.

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

23 IT IS SO ORDERED.

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25 Dated: December 3, 2014

/s/ Barbara A. McAuliffe
26 UNITED STATES MAGISTRATE JUDGE
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