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

FINANCIAL INDEMNITY COMPANY,  
Plaintiff,  
v.  
INDERBIR SINGH GREWAL, et al.,  
Defendants.

**1:14-cv-01332 --- GSA**

**ORDER DIRECTING THE CLERK OF  
COURT TO TERMINATE DEFENDANT  
RICHARD RYAN ORTIZ, JR. FROM THE  
DOCKET, PURSUANT TO VOLUNTARY  
DISMISSAL BY PLAINTIFF**

**(Doc. 12)**

On October 22, 2014, Plaintiff Financial Indemnity Company (“Plaintiff”) filed a Request for Dismissal as to Defendant Richard Ryan Ortiz, Jr., Only. Doc. 12. A plaintiff may voluntarily dismiss a defendant from an action pursuant to Federal Rule of Civil Procedure 41(a)(1)(A). Rule 41(a)(1)(A), in relevant part, provides:

[T]he plaintiff may dismiss an action without 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.

“The plaintiff may dismiss either some or all of the defendants—or some or all of his claims—

1 through a Rule 41(a)(1) notice.” *Concha v. London*, 62 F.3d 1493, 1506 (9th Cir. 1995). Rule  
2 41(a)(1)(B) further provides that a dismissal pursuant to Rule 41(a)(1)(A) is without prejudice  
3 “[u]nless the notice or stipulation states otherwise.”

4 A notice of dismissal under Rule 41(a)(1) is self-executing; a court order is not required to  
5 effectuate the dismissal. *Concha*, 62 F.3d at 1506 (“The dismissal is effective on filing [of a  
6 notice pursuant to Rule 41(a)(1)] and no court order is required.”). “Filing a notice of voluntary  
7 dismissal with the court automatically terminates the action as to the defendants who are the  
8 subjects of the notice.” *Id.* “Such a dismissal leaves the parties as though no action had been  
9 brought.” *Id.*

10  
11 Here Plaintiff has requested voluntary dismissal of Defendant Richard Ryan Ortiz, Jr.  
12 before the latter has served an answer. Therefore, pursuant to Rule 41(a)(1)(A), Plaintiff’s  
13 request for voluntary dismissal was effective upon filing. Accordingly, the Clerk of Court is  
14 directed to terminate Defendant Richard Ryan Ortiz, Jr., from the docket.  
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16  
17 IT IS SO ORDERED.

18 Dated: November 5, 2014

/s/ Gary S. Austin  
19 UNITED STATES MAGISTRATE JUDGE