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

5 WADE REEVES,) No. 1:14-cv-01504---BAM
6)
7 Plaintiff,) **ORDER DIRECTING THE CLERK OF**
8 vs.) **COURT TO ADMINISTRATIVELY**
9 PERFORMANT RECOVERY, INC.,) **CLOSE CASE**
10 Defendant.)
11)
12)

13 On January 13, 2015, Plaintiff Wade Reeves and Defendant Performant Recovery, Inc.
14 filed a “Joint Motion for Dismissal of Action With Prejudice” signed by all parties to this
15 action. (Doc. 9). In relevant part, Federal Rule of Civil Procedure 41(a)(1)(A) provides:

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

19 Fed. R. Civ. P. 41(a)(1)(A).

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

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10 Given that Plaintiff and Defendant have filed a joint motion for dismissal with
11 prejudice signed by all parties to this action, this case is terminated. Accordingly, the Clerk of
12 the Court is ORDERED to ADMINISTRATIVELY close this case.

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15 IT IS SO ORDERED.

16 Dated: January 13, 2015

17 /s/ Barbara A. McAuliffe
18 UNITED STATES MAGISTRATE JUDGE
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