1 2 UNITED STATES DISTRICT COURT 3 EASTERN DISTRICT OF CALIFORNIA 4 5 RONALD MOORE, No. 1:14-cv-01595---BAM 6 Plaintiff, ORDER DIRECTING THE CLERK OF 7 **COURT TO ADMINISTRATIVELY** VS. **CLOSE CASE** 8 A & K Partnership, a California General Partnership; ABDULGALIL FADHL MOHSINHUSSEIN d/b/a PRIMOS FAMILY 10 MARKET; and ROSALINDA MORALES. 11 d/b/a Tacos La Piedad, 12 Defendants. 13 14 On December 22, 2014, Plaintiff filed a Notice of Voluntary Dismissal against all 15 Defendants (Doc.13) pursuant to Federal Rule of Civil Procedure 41(a)(1)(A)(i). 16 In relevant part, Rule 41(a)(1)(A) provides as follow 17 [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 18 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 thus allows the 22 parties to dismiss an action voluntarily, either by filing a notice of voluntary dismissal prior to 23 the filing of an answer, or after service of an answer, by filing a written stipulation to dismiss 24 signed by all of the parties who have appeared, although an oral stipulation in open court will 25 also suffice. See Eitel v. McCool, 782 F.2d 1470, 1472-73 (9th Cir. 1986). 26 Once a party files a notice of voluntary dismissal, no order of the court is necessary to 27 28 effectuate dismissal. Caselaw concerning voluntary dismissals under Rule 41(a)(1)(A) is clear

that the entry of such a dismissal is effective automatically and does not require judicial

approval. Commercial Space Mgmt. Co. v. Boeing Co., 193 F.3d 1074, 1077 (9th Cir. 1999). "The plaintiff may dismiss some or all of the defendants, or some or all of his claims, through a Rule 41(a)(1) notice," and the dismissal "automatically terminates the action as to the defendants who are the subjects of the notice." Wilson v. City of San Jose, 111 F.3d 688, 692 (9th Cir. 1997). Because Plaintiff has filed a Notice of Dismissal against Defendants under Rule 41(a)(1)(A)(i) with prejudice, this case has terminated. Fed. R. Civ. P. 41(a)(1)(A)(i). Accordingly, the Clerk of the Court is ORDERED to administratively close this case. IT IS SO ORDERED. /s/ Barbara A. McAuliffe
UNITED STATES MAGISTRATE JUDGE Dated: December 23, 2014