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

5
6 RONALD MOORE,) No. 1:14-cv-01607---BAM
7 Plaintiff,)
8 vs.) **ORDER DIRECTING THE CLERK OF**
9 WILLIAM H. SCHIFF, *et al.*,) **COURT TO ADMINISTRATIVELY**
10 Defendants.) **CLOSE CASE**
11)
12)

13 On December 19, 2014, Plaintiff filed a Notice of Voluntary Dismissal against all
14 Defendants (Doc. 7) pursuant to Federal Rule of Civil Procedure 41(a)(1)(A)(i).

15 In relevant part, Rule 41(a)(1)(A) provides as follow

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
19 have appeared.

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

21 Rule 41(a)(1)(B) further provides that a dismissal pursuant to Rule 41(a)(1)(A) is
22 without prejudice “[u]nless the notice or stipulation states otherwise.” Rule 41 thus allows the
23 parties to dismiss an action voluntarily, either by filing a notice of voluntary dismissal prior to
24 the filing of an answer, or after service of an answer, by filing a written stipulation to dismiss
25 signed by all of the parties who have appeared, although an oral stipulation in open court will
26 also suffice. *See Eitel v. McCool*, 782 F.2d 1470, 1472-73 (9th Cir. 1986).

27 Once a party files a notice of voluntary dismissal, no order of the court is necessary to
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).

1 “The plaintiff may dismiss some or all of the defendants, or some or all of his claims, through a
2 Rule 41(a)(1) notice,” and the dismissal “automatically terminates the action as to the
3 defendants who are the subjects of the notice.” *Wilson v. City of San Jose*, 111 F.3d 688, 692
4 (9th Cir. 1997).

5 Because Plaintiffs have filed a Notice of Dismissal against Defendants under Rule
6 41(a)(1)(A)(i) with prejudice, this case has terminated. Fed. R. Civ. P. 41(a)(1)(A)(i).
7 Accordingly, the Clerk of the Court is ORDERED to administratively close this case.

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9 IT IS SO ORDERED.

10 Dated: December 22, 2014

11 /s/ Barbara A. McAuliffe
12 UNITED STATES MAGISTRATE JUDGE
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