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8	UNITED STATES DISTRICT COURT	
9	EASTERN DISTRICT OF CALIFORNIA	
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11	PABLO HURTADO,	) Case No.: 1:14-cv-01706 JLT
12	Plaintiff,	<ul> <li>ORDER DIRECTING CLERK OF THE COURT</li> <li>TO CLOSE THIS ACTION PURSUANT TO</li> </ul>
13	V.	) PLAINTIFF'S RULE 41(a) REQUEST
14	WALMART STORES, INC., Store #5134,	)
15	Defendant.	)
16		)
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18	On March 4, 2015 Plaintiff Pablo Hurtado filed a request that he be permitted to "withdraw	
19	[his] case" from the District Court "without prejudice." (Doc. 10 at 2.) Under the Federal Rules of	
20	Civil Procedure, "the plaintiff may dismiss an action without a court order by filing: (i) a notice of	
21	dismissal before the opposing party serves either an answer or a motion for summary judgment; or (ii)	
22	a stipulation of dismissal signed by all parties who have appeared." Fed. R. Civ. P. 41(a)(1)(A). Once	
23	such a notice has been filed, an order of the Court is not required to effectuate the dismissal. Fed. R.	
24	Civ. Pro. 41(a)(1)(ii); <i>Wilson v. City of San Jose</i> , 111 F.3d 688, 692 (9th Cir. 1997).	
25	Given the nature of request from Plaintiff, the Court construes the document to be a notice of	
26	dismissal pursuant to Rule 41. Because the defendant had not yet been served, Plaintiff was able to file a notice of dismissal, which "automatically terminate[d] the action." <i>Wilson</i> , 111 F.3d at 692.	
27		$\gamma$ terminate[d] the action. $\forall wilson, 111$ F.3d at 692.
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1	Based upon the foregoing, IT IS HEREBY ORDERED:	
2	1. The Clerk of Court is <b>DIRECTED</b> to close this action in light of the notice of dismissal	
3	without prejudice filed and properly signed pursuant to Rule 41(a).	
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5	IT IS SO ORDERED.	
6	Dated: March 9, 2015 /s/ Jennifer L. Thurston	
7	UNITED STATES MAGISTRATE JUDGE	
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