

1 **UNITED STATES DISTRICT COURT**

2 EASTERN DISTRICT OF CALIFORNIA

3 MATHEW STAFFORD,

4 Plaintiff,

5 v.

6 JOHN WASH,

7 Defendant.

Case No. 1:14-cv-01791---SAB

ORDER GRANTING DISMISSAL
PURSUANT TO FEDERAL RULE OF
CIVIL PROCEDURE 41(a)(1)

ORDER DIRECTING CLERK OF COURT
TO CLOSE CASE AND ADJUST DOCKET
TO REFLECT VOLUNTARY DISMISSAL

(ECF No. 5)

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10 On November 14, 2014, Plaintiff Mathew Stafford (“Plaintiff”) filed the complaint in this
11 action. (ECF No. 1.) On December 11, 2014, Plaintiff filed a notice of voluntary dismissal
12 pursuant to Rule 41(a)(1) of the Federal Rules of Civil Procedure.

13 “[U]nder Rule 41(a)(1)(I), ‘a plaintiff has an absolute right to voluntarily dismiss his
14 action prior to service by the defendant of an answer or a motion for summary judgment.’”
15 Commercial Space Mgmt. Co., Inc. v. Boeing Co., Inc., 193 F.3d 1074, 1077 (9th Cir. 1999)
16 (quoting Wilson v. City of San Jose, 111 F.3d 688, 692 (9th Cir. 1997)). “[A] dismissal under
17 Rule 41(a)(1) is effective on filing, no court order is required, the parties are left as though no
18 action had been brought, the defendant can’t complain, and the district court lacks jurisdiction to
19 do anything about it.” Id. at 1078. No defendant has filed an answer or other responsive
20 pleading. Pursuant to Rule 41(a)(1), this case has terminated.

21 Accordingly, the Clerk of the Court is HEREBY ORDERED to CLOSE the file in this
22 case and adjust the docket to reflect voluntary dismissal of this action pursuant to Rule 41(a).

23 IT IS SO ORDERED.

24 Dated: December 16, 2014

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26 SENIOR DISTRICT JUDGE