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

RONALD MOORE,
Plaintiff,
vs.
IGNACIO ROBLES BARRAGAN dba
TACOS EL GRULLENSE JAL #2, et al.,
Defendants.

1:14-cv-01868---GSA

**ORDER DIRECTING THE CLERK OF
COURT TO ADMINISTRATIVELY
CLOSE CASE**

(ECF No. 14)

On March 2, 2015, Plaintiff filed a Notice of Voluntary Dismissal against Defendant (ECF No. 14) pursuant to Federal Rule of Civil Procedure 41(a)(1)(A)(i).

In relevant part, Rule 41(a)(1)(A) provides as follows:

[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 have appeared.

Fed. R. Civ. P. 41(a)(1)(A). Rule 41(a)(1)(B) further provides that a dismissal pursuant to Rule 41(a)(1)(A) is without prejudice “[u]nless the notice or stipulation states otherwise.”

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

1 1999); *Wilson v. City of San Jose*, 111 F.3d 688, 692 (9th Cir. 1997) ("The plaintiff may dismiss
2 some or all of the defendants, or some or all of his claims, through a Rule 41(a)(1) notice," and
3 the dismissal "automatically terminates the action as to the defendants who are the subjects of the
4 notice").

5 Because Plaintiff has filed a Notice of Voluntary Dismissal against the Defendant under
6 Rule 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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10 IT IS SO ORDERED.

11 Dated: March 3, 2015

/s/ Gary S. Austin
UNITED STATES MAGISTRATE JUDGE

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