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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

SALVADOR MOSQUEDA,

Plaintiff,

v.

SEARS, ROEBUCK AND CO.,
Defendants.

Case No. 1:14-cv-001891--- JLT

**ORDER GRANTING STIPULATION TO
CLOSE THE MATTER**

(Doc. 17)

On May 4, 2016, the parties filed a stipulation to dismiss the matter. (Doc. 17) The stipulation relies upon Rule 41 of the Federal Rules of Civil Procedure, under which “the plaintiff may dismiss an action without 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). Once the parties file such a notice, a Court order is not required to dismiss the case. Fed. R. Civ. P. 41(a)(1)(ii); *Wilson v. City of San Jose*, 111 F.3d 688, 692 (9th Cir. 1997). Thus, the Clerk of Court is **DIRECTED** to close this action in light of the notice of dismissal without prejudice filed and properly signed pursuant to Rule 41(a)(1)(A)(ii).

IT IS SO ORDERED.

Dated: May 5, 2016

/s/ Jennifer L. Thurston
UNITED STATES MAGISTRATE JUDGE