

1  
2  
3  
4  
5  
6  
7  
8  
9 **UNITED STATES DISTRICT COURT**  
10 **EASTERN DISTRICT OF CALIFORNIA**

11  
12 WALLY S. ALI, ) No. 1:15-cv-00270---SKO  
13 Plaintiff, )  
14 vs. ) **ORDER DIRECTING CLERK OF**  
15 TRANS UNION, et al., ) **COURT TO UPDATE THE DOCKET**  
16 Defendants. )  
17 )  
18 )  
19 )

20 On March 3, 2015, Defendant Trans Union filed its stipulation with Plaintiff that the  
21 claims against Trans Union be dismissed with prejudice pursuant to Federal Rule of Civil  
22 Procedure 41(a)(1)(A)(ii).

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

24 [A] plaintiff may dismiss an action with a court order by filing: (i) a notice of  
25 dismissal before the opposing party serves either an answer or a motion for  
26 summary judgment; or (ii) a stipulation of dismissal signed by all parties who  
have appeared.

27 Fed. R. Civ. P. 41(a)(1)(A). Caselaw concerning stipulated dismissals under Rule  
28 41(a)(1)(A)(ii) is clear that the entry of such a stipulation of dismissal is effective

1 automatically and does not require judicial approval. *Commercial Space Mgmt. Co. v. Boeing*  
2 *Co.*, 193 F.3d 1074, 1077 (9th Cir. 1999). "The plaintiff may dismiss some or all of the  
3 defendants, or some or all of his claims, through a Rule 41(a)(1) notice," and the dismissal  
4 "automatically terminates the action as to the defendants who are the subjects of the notice."  
5 *Wilson v. City of San Jose*, 111 F.3d 688, 692 (9th Cir. 1997).

6 Because Plaintiff and Defendant Trans Union have filed a stipulation of dismissal with  
7 prejudice of Plaintiff's claims against Trans Union under Rule 41(a)(1)(A)(ii), the claims  
8 against Trans Union have been dismissed with prejudice. Fed. R. Civ. P. 41(a)(1)(A)(ii).

9 Accordingly IT IS HEREBY ORDERED that the Clerk of the Court is to  
10 administratively update the docket to reflect that Trans Union has been dismissed as a  
11 defendant in this action.

12 IT IS SO ORDERED.

13 Dated: March 3, 2015

14 /s/ Sheila K. Oberto  
15 UNITED STATES MAGISTRATE JUDGE  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28