

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

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

CAROLYN MINER, et al.,)	Case No.: 1:15-cv-00352 --- JLT
)	
Plaintiffs,)	ORDER CLOSING CASE
)	
v.)	
)	
BARBARA FERRANTI, et al.,)	
)	
Defendants.)	
)	

On the January 22, 2016, Plaintiffs filed a notice of voluntary dismissal. (Doc. 30) The notice 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 such a notice has been filed, an order of the Court is not required for the dismissal. Fed. R. Civ. P. 41(a)(1)(ii); *Wilson v. City of San Jose*, 111 F.3d 688, 692 (9th Cir. 1997).

Here, Defendants, Chase Home Finance, LLC, Christiana Bank & Trust Co., Lasalle Bank, N.A., Washington Mutual Bank, FSB, and Defendants, Fawn Kennedy Dessy, Ronald Dessy, Barbara Ferranti, have filed motions to dismiss. (Docs. 18, 23) However, these motions do not prevent dismissal without further order of the Court. *See Concha v. London*, 62 F.3d 1493, 1506 (9th Cir.1995). [“Even if the defendant has filed a motion to dismiss, the plaintiff may terminate his action

1 voluntarily by filing a notice of dismissal under Rule 41(a)(1).”] Thus, the Clerk of Court is
2 **DIRECTED** to close this action in light of the notice of dismissal without prejudice filed and properly
3 signed pursuant to Rule 41(a)(1)(A)(ii).

4
5 IT IS SO ORDERED.

6 Dated: January 25, 2016

/s/ Jennifer L. Thurston
UNITED STATES MAGISTRATE JUDGE

7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28