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5 **UNITED STATES DISTRICT COURT**
6 **EASTERN DISTRICT OF CALIFORNIA**
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8 **MONIQUE CURIEL,**

9 **Plaintiff,**

10 **v.**

11 **FRESNO CREDIT BUREAU, and THE**
12 **LAW OFFICE OF JOHN D. SUHR,**

13 **Defendants.**

CASE NO. 1:15-CV-580 AWI GSA

**ORDER CLOSING CASE IN LIGHT OF
STIPULATION FOR DISMISSAL WITH
PREJUDICE**

(Doc. No. 16)

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17 On September 10, 2015, the parties filed a motion to dismiss this action with prejudice.
18 See Doc. No. 16. The Court views this motion as a stipulation for dismissal of this case with
19 prejudice pursuant to Federal Rule of Civil Procedure 41(a)(1)(A)(ii).

20 Rule 41(a)(1), in relevant part, reads:

21 (A) . . . the plaintiff may dismiss an action without a court order by filing: (i) a
22 notice of dismissal before the opposing party serves either an answer or a motion
23 for summary judgment; or (ii) a stipulation of dismissal signed by all parties who
24 have appeared. . . . (B) Unless the notice or stipulation states otherwise, the
dismissal is without prejudice.

25 Dismissals under Rule 41(a)(1)(A), when properly filed, are effective immediately and do not
26 require a court order/court approval. See Fed. R. Civ. P. 41(a)(1); Yesh Music v. Lakewood
27 Church, 727 F.3d 356, 362 (5th Cir. 2013); Commercial Space Mgmt. Co. v. Boeing Co., 193 F.3d
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1 1074, 1077 (9th Cir. 1999); Wilson v. City of San Jose, 111 F.3d 688, 692 (9th Cir. 1997); In re
2 Wolf, 842 F.2d 464, 466 (D.C. Cir. 1989).

3 Here, all parties who have appeared in this case signed the stipulated dismissal. Because
4 all parties have signed the stipulated dismissal with prejudice, this case has terminated
5 automatically. See id.

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7 Therefore, IT IS HEREBY ORDERED that:

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- 9 1. The Clerk shall CLOSE this case in light of the parties' properly filed and signed Rule
10 41(a)(1)(A)(ii) Stipulation Of Dismissal With Prejudice; and
 - 11 2. The September 10, 2015 motion to dismiss (Doc. No. 16) is DENIED as unnecessary in
12 light of the automatic nature of a Rule 41(a)(1) stipulated dismissal.

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14 IT IS SO ORDERED.

15 Dated: September 10, 2015

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17 SENIOR DISTRICT JUDGE
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