

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

VENIDA PACKING COMPANY, a) No. 1:15-cv-00820---SKO
California corporation,)
Plaintiff,) **ORDER DIRECTING CLERK OF**
vs.) **COURT TO CLOSE CASE**
FRUIT PATCH, INC., a California)
Corporation; ALEX GRAU, an individual; and)
AMERICAN CAPITAL, LTD, a Delaware)
Corporation,)
Defendants.)

On June 19, 2015, Plaintiff filed a notice of voluntary dismissal, without prejudice, against all Defendants pursuant to Federal Rule of Civil Procedure 41(a)(1)(A)(i). (Doc. 5.)

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). “The plaintiff may dismiss some or all of the defendants, or some or all of his claims, through a Rule 41(a)(1) notice,” and the dismissal “automatically terminates the action as to the defendants who are the subjects of the notice.” *Wilson v. City of*

1 *San Jose*, 111 F.3d 688, 692 (9th Cir. 1997). Because Plaintiff filed a notice of dismissal
2 before an answer or motion for summary judgment was filed by Defendants, this case has
3 terminated. Rule 41(a)(1)(A)(i).

4 Accordingly IT IS HEREBY ORDERED that the Clerk of the Court close this case.

IT IS SO ORDERED.

7 Dated: June 28, 2015

/s/ Sheila K. Oberto
UNITED STATES MAGISTRATE JUDGE