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

11
12 VENIDA PACKING COMPANY, a
California corporation,

13 Plaintiff,

14 vs.

15 FRUIT PATCH, INC., a California
16 Corporation; ALEX GRAU, an individual; and
17 AMERICAN CAPITAL, LTD, a Delaware
Corporation,

18 Defendants.

No. 1:15-cv-00820---SKO

**ORDER DIRECTING CLERK OF
COURT TO CLOSE CASE**

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

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

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

26 Fed. R. Civ. P. 41(a)(1)(A). “The plaintiff may dismiss some or all of the defendants, or some
27 or all of his claims, through a Rule 41(a)(1) notice,” and the dismissal “automatically
28 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.

5
6 IT IS SO ORDERED.

7 Dated: June 28, 2015

/s/ Sheila K. Oberto
UNITED STATES MAGISTRATE JUDGE