

1 prior to service by the defendant of an answer or a motion for summary judgment.” *Commercial*
2 *Space Mgmt. Co., Inc. v. Boeing Co., Inc.*, 193 F.3d 1074, 1077 (9th Cir. 1999) (quotation and
3 citation omitted). “[A] dismissal under Rule 41(a)(1) is effective on filing, no court order is
4 required, the parties are left as though no action had been brought, the defendant can’t complain,
5 and the district court lacks jurisdiction to do anything about it.” *Id.* at 1078. There currently is no
6 amended complaint on file. No defendant has been served in this action and no defendant has
7 filed an answer or motion for summary judgment.

8 Accordingly, the Clerk of the Court is HEREBY DIRECTED to CLOSE the file in this
9 case and adjust the docket to reflect voluntary dismissal of this action without prejudice under
10 Rule 41(a). All pending motions, if any, are terminated.

11 IT IS SO ORDERED.

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13 Dated: January 31, 2017

/s/ Barbara A. McAuliffe
14 UNITED STATES MAGISTRATE JUDGE