

UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

MARIA I. JIMENEZ, et al.,

Case No. 1:15-cv-01259---SAB

Plaintiffs,

ORDER GRANTING DISMISSAL
PURSUANT TO FEDERAL RULE OF
CIVIL PROCEDURE 41(a)(1)

VOLVO CE RENTS, INC. et. al,

ORDER DIRECTING CLERK OF COURT
TO TERMINATE DEFENDANTS
TEICHERT, INC. AND A. TEICHERT &
SONS, INC.

(ECF No. 4)

On July 15, 2015, Plaintiffs filed this action in the Superior Court of Merced County against Defendants Volvo Ce Rents, Inc., Blueline Rental LLC, Teichert, Inc., and A. Teichert & Sons. On August 14, 2015 Defendant BlueLine removed this action to the Eastern District of California. On September 3, 2015, Plaintiff filed a notice of voluntary dismissal of Defendants Teichert, Inc. and A. Teichert & Sons, Inc. pursuant to Rule 41(a)(1)(A)(i) of the Federal Rules of Civil Procedure.

“[U]nder Rule 41(a)(1)(A)(i), ‘a plaintiff has an absolute right to voluntarily dismiss his action prior to service by the defendant of an answer or a motion for summary judgment.’”

Commercial Space Mgmt. Co., Inc. v. Boeing Co., Inc., 193 F.3d 1074, 1077 (9th Cir. 1999) (quoting Wilson v. City of San Jose, 111 F.3d 688, 692 (9th Cir. 1997)). “[A] dismissal under Rule 41(a)(1) is effective on filing, no court order is required, the parties are left as though no

1 action had been brought, the defendant can't complain, and the district court lacks jurisdiction to
2 do anything about it." Id. at 1078.

3 Pursuant to Plaintiff's notice of dismissal, the Clerk of the Court is HEREBY ORDERED
4 to terminate Defendants Teichert, Inc. and A. Teichert & Sons, Inc. as defendants in this action.
5 Each side shall bear their own attorneys' fees and costs.

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7 IT IS SO ORDERED.

8 Dated: September 11, 2015


UNITED STATES MAGISTRATE JUDGE

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