

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

ST. PAUL MERCURY INSURANCE) Case No.: 1:15-cv-01542 --- JLT
COMANY,)
Plaintiffs,) ORDER CLOSING CASE
v.)
CENTEX HOMES, et al.,)
Defendants.)

On the February 9, 2016, the parties filed a stipulation to dismiss the matter. (Doc. 13) The stipulation relies upon Rule 41 of the Federal Rules of Civil Procedure, under which “the plaintiff may dismiss an action without 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). Once such a notice has been filed, an order of the Court is not required for the dismissal. Fed. R. Civ. P. 41(a)(1)(ii); *Wilson v. City of San Jose*, 111 F.3d 688, 692 (9th Cir. 1997). Thus, the Clerk of Court is **DIRECTED** to close this action in light of the notice of dismissal without prejudice filed and properly signed pursuant to Rule 41(a)(1)(A)(ii).

IT IS SO ORDERED.

Dated: **February 11, 2016**

/s/ Jennifer L. Thurston
UNITED STATES MAGISTRATE JUDGE