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the dismissal is ordinarily without prejudice to the plaintiff's right to commence another action for the same cause against the same defendants. *Id.* (citing *McKenzie v. Davenport-Harris Funeral Home*, 834 F.2d 930, 934-35 (9th Cir. 1987)). Such a dismissal leaves the parties as though no action had been brought. *Id.*

Wilson v. City of San Jose, 111 F.3d 688, 692 (9th Cir. 1997). Neither Defendant M. Herrera or Gennial have been served, let alone filed answers to Plaintiff's Complaint. (See Docs. 38, 39.) Likewise neither has filed a motion for summary judgment and it appears that no such answers or summary judgment motions have been served.

Since Plaintiff has exercised his right to voluntarily dismiss Defendants M. Herrera and Gennial under Rule 41(a)(1), they have been terminated from this action. The Clerk is ordered to terminate Defendants M. Herrera and Gennial from this action and to enter their termination on the docket.

IT IS SO ORDERED.

Dated: August 21, 2018

/s/ Jennifer L. Thurston
UNITED STATES MAGISTRATE JUDGE