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5   **UNITED STATES DISTRICT COURT**

6   **EASTERN DISTRICT OF CALIFORNIA**

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8   **NUNLEY RACING, LLC, et al.,**   **CASE NO. 1:16-CV-0285 AWI EPG**

9   **Plaintiff,**

10   **v.**   **ORDER CLOSING CASE IN LIGHT OF**
                                                    STIPULATION FOR DISMISSAL WITH
11 **AXIS INSURANCE COMPANY, and**   **PREJUDICE**
    DOES 1-50,
12   (Doc. No. 15)

13   **Defendants.**

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        On September 30, 2016, the parties filed a stipulation for dismissal of this entire case with
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    prejudice under Rule 41(a)(1)(A)(ii). See Doc. No. 15.
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        Rule 41(a)(1), in relevant part, reads:
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        (A) . . . the plaintiff may dismiss an action without a court order by filing: (i) a
20   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
21   have appeared. . . . (B) Unless the notice or stipulation states otherwise, the
        dismissal is without prejudice.
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23 Dismissals under Rule 41(a)(1)(A), when properly filed, are effective immediately and do not

24 require a court order/court approval. See Fed. R. Civ. P. 41(a)(1); Yesh Music v. Lakewood

25 Church, 727 F.3d 356, 362 (5th Cir. 2013); Commercial Space Mgmt. Co. v. Boeing Co., 193 F.3d

26 1074, 1077 (9th Cir. 1999); Wilson v. City of San Jose, 111 F.3d 688, 692 (9th Cir. 1997); In re

27 Wolf, 842 F.2d 464, 466 (D.C. Cir. 1989).

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Here, all parties who have appeared in this case have signed the stipulated dismissal. See Doc. No. 49. Because all appearing parties have signed the stipulated dismissal with prejudice, this case has terminated automatically. See Fed. R. Civ. P. 41(a)(1)(A); Yesh Music, 727 F.3d at 362; Commercial Space, 193 F.3d at 1077.

Therefore, IT IS HEREBY ORDERED that the Clerk shall CLOSE this case in light of the properly filed and signed Rule 41(a)(1)(A) Stipulation Of Dismissal With Prejudice.

IT IS SO ORDERED.

Dated: February 6, 2017   _____

SENIOR DISTRICT JUDGE