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5 **UNITED STATES DISTRICT COURT**
6 **EASTERN DISTRICT OF CALIFORNIA**
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8 **BEVERLEY MONTANTE,**

9 **Plaintiff,**

10 **v.**

11 **PETSMART, INC., et al.,**

12 **Defendants.**
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CASE NO. 1:16-CV-0303 AWI MJS

**ORDER CLOSING CASE IN LIGHT OF
STIPULATION FOR DISMISSAL WITH
PREJUDICE**

(Doc. No. 12)

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16 On September 12, 2016, the parties filed a stipulation for dismissal of this entire case with
17 prejudice under Rule 41(a)(1)(A)(ii). See Doc. No. 12.

18 Rule 41(a)(1), in relevant part, reads:

19 (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
21 for summary judgment; or (ii) a stipulation of dismissal signed by all parties who
22 have appeared. . . . (B) Unless the notice or stipulation states otherwise, the
dismissal is without prejudice.

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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1 Here, all parties in this case have signed the stipulated dismissal. See Doc. No. 126.
2 Because all parties have signed the stipulated dismissal with prejudice, this case has terminated
3 automatically. See Fed. R. Civ. P. 41(a)(1)(A)(ii); Yesh Music, 727 F.3d at 362; Commercial
4 Space, 193 F.3d at 1077.

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

12 Dated: September 13, 2016

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14 SENIOR DISTRICT JUDGE
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