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

ARTHUR OWENS,) Case No. 1:16-cv-00309 AWI JLT
)
Plaintiff,) **ORDER CLOSING CASE**
vs.)
) **(Doc. 11)**
MEXICALI, INC. dba MEXICALI)
RESTAURANT.,)
)
Defendant.)

On May 10, 2016, Plaintiff filed a voluntary dismissal of the entire action. (Docs. 11) Plaintiff notes that no defendant has appeared in the action. Furthermore, he 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 . . .” Fed. R. Civ. P. 41(a)(1)(A). Once the notice is filed, no further action by the Court is required. 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 voluntary dismissal with prejudice filed and properly signed pursuant to Rule 41.

IT IS SO ORDERED.

Dated: May 12, 2016

/s/ Jennifer L. Thurston
UNITED STATES MAGISTRATE JUDGE