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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

LUCY ATAYDE,

 Plaintiff,

 v.

NAPA STATE HOSPITAL, et al.,

 Defendants.

Case No. 1:16-cv-00398-DAD-SAB

ORDER DIRECTING THE CLERK OF THE
COURT TO TERMINATE CALIFORNIA
FORENSIC MEDICAL GROUP, INC., AND
COUNTY OF MERCED, AS DEFENDANTS
IN THIS ACTION

(ECF No. 234)

On October 29, 2021, the parties filed a stipulated notice of dismissal pursuant to Federal Rule of Civil Procedure 41(a) of Defendants California Forensic Medical Group, Inc., and County of Merced. (ECF No. 234.) The dismissal of these Defendants is with prejudice and with each party to bear their own costs and fees. (Id.) The claims against the other named Defendants are not subject to the stipulation and will remain active. (Id.)

Rule 41(a) of the Federal Rules of Civil Procedure allows a party to dismiss some or all of the defendants in an action through a Rule 41(a) notice. Wilson v. City of San Jose, 111 F.3d 688, 692 (9th Cir. 1997); see also Concha v. London, 62 F.3d 1493, 1506 (9th Cir. 1995) (“The plaintiff may dismiss either some or all of the defendants—or some or all of his claims—through a Rule 41(a)(1) notice.”)); Hells Canyon Pres. Council v. U.S. Forest Serv., 403 F.3d 683, 687 (9th Cir. 2005) (The Ninth Circuit has “only extended the rule to allow the dismissal of all claims against one defendant, so that a defendant may be dismissed from the entire action.”). “Filing a

1 notice of voluntary dismissal with the court automatically terminates the action as to the
2 defendants who are the subjects of the notice.” Concha, 62 F.3d at 1506.

3 Accordingly, the Clerk of the Court is DIRECTED to terminate Defendants California
4 Forensic Medical Group, Inc., and County of Merced, as defendants in this action.

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6 IT IS SO ORDERED.

7 Dated: October 29, 2021


UNITED STATES MAGISTRATE JUDGE

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