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

CHARLES ACE COOK, JR,	)	CASE NO. 1:16-cv-00429-DAD-JLT
	)	
Plaintiff,	)	<b>ORDER CLOSING CASE AS TO JONES AND</b>
	)	<b>MAYER, CHARLES F. NEUMEYER AND</b>
vs.	)	<b>GEORGE ROSCOE TRINDALL, III ONLY</b>
	)	
CITY OF CALIFORNIA CITY, et al.	)	<b>(Doc. 63)</b>
	)	
Defendants.	)	
	)	

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On February 22, 2017, the plaintiff filed a notice of voluntary dismissal of the case as to defendants Jones and Mayer, Charles F. Neumeyer and George Roscoe Trindall, III only. (Doc. 63) Federal Rules of Civil Procedure Rule 41 provides that “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 such a notice has been filed, an order of the Court is not required to make the dismissal effective. Fed. R. Civ. P. 41(a)(1)(ii); Wilson v. City of San Jose, 111 F.3d 688, 692 (9th Cir. 1997).

Here, these defendants have filed a motion to dismiss but have not answered or filed a motion for summary judgment.

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Accordingly, the Clerk of Court is DIRECTED to close this action as to Jones and Mayer, Charles F. Neumeyer and George Roscoe Trindall, III **only** in light of the notice of dismissal with prejudice filed and properly signed pursuant to Rule 41(a).

IT IS SO ORDERED.

Dated: **February 23, 2017**

**/s/ Jennifer L. Thurston**  
UNITED STATES MAGISTRATE JUDGE