

1  
2  
3  
4  
5 **UNITED STATES DISTRICT COURT**  
6 **EASTERN DISTRICT OF CALIFORNIA**  
7

8 **RUBEN VALENCIA,**

9 **Plaintiff,**

10 **v.**

11 **BOTTLING GROUP, LLC, et al.,**

12 **Defendants.**  
13  
14

**CASE NO. 1:16-CV-0495 AWI BAM**

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

(Doc. No. 7)

15  
16 On July 8, 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. 7.

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).  
28

1 Here, all parties in this case have signed the stipulated dismissal. See Doc. No. 7. Because  
2 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.

5  
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.  
8

9  
10 IT IS SO ORDERED.

11 Dated: July 11, 2016

12   
13 \_\_\_\_\_  
14 SENIOR DISTRICT JUDGE  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28