

1 A party may also dismiss an action by filing a motion requesting the Court to dismiss the
2 action. Fed. R. Civ. P. 41(a)(2). A motion for voluntary dismissal under Rule 41(a)(2) is addressed to
3 the sound discretion of the district court. Hamilton v. Firestone Tire & Rubber Co. Inc., 679 F.2d 143,
4 145 (9th Cir. 1982). Here, the Court construes Plaintiff's notice of withdrawal as a motion for
5 voluntary dismissal of the action. Accordingly, the Court finds it appropriate to require Defendant
6 Rodriguez to respond to this notice.

7 Based on the foregoing, on or before **Friday, January 26, 2018**, Defendant shall file a
8 response to the notice or a stipulation to dismiss this action pursuant to Federal Rule of Civil
9 Procedure 41.

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11 IT IS SO ORDERED.

12 Dated: January 22, 2018



UNITED STATES MAGISTRATE JUDGE

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