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5 **UNITED STATES DISTRICT COURT**
6 **EASTERN DISTRICT OF CALIFORNIA**
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8 **ROBERT McCARTHY,**

9 **Plaintiff**

10 **v.**

11 **MATTHEW FIDALGO, et al.,**

12 **Defendants**

CASE NO. 1:16-CV-1256 AWI EPG

**ORDER CLOSING CASE IN LIGHT OF
NOTICE OF VOLUNTARY DISMISSAL
WITH PREJUDICE**

(Doc. No. 6)

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15 On November 30, 2016, Plaintiff filed a notice of voluntary dismissal with prejudice. See
16 Doc. No. 6.

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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
23 dismissal is without prejudice.

24 Dismissals under Rule 41(a)(1)(A), when properly filed, are effective immediately and do
25 not require a court order/court approval. See Fed. R. Civ. P. 41(a)(1); Yesh Music v.
26 Lakewood Church, 727 F.3d 356, 362 (5th Cir. 2013); Commercial Space Mgmt. Co. v.
27 Boeing Co., 193 F.3d 1074, 1077 (9th Cir. 1999); Wilson v. City of San Jose, 111 F.3d
28 688, 692 (9th Cir. 1997).

1 Here, no answers to Plaintiff's complaint and no motions for summary judgment have been
2 filed in this case, and it appears that no such documents have been served. Because Plaintiff has
3 exercised his right to voluntarily dismiss his complaint with prejudice under Rule 41(a)(1), this
4 case has terminated automatically. See Fed. R. Civ. P. 41(a)(1)(A)(i); Wilson, 111 F.3d at 692.

5 Accordingly, IT IS HEREBY ORDERED that the Clerk shall CLOSE this case in light of
6 Plaintiff's Rule 41(a)(1) voluntary dismissal with prejudice.

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9 IT IS SO ORDERED.

10 Dated: December 1, 2016



SENIOR DISTRICT JUDGE