UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF CALIFORNIA

KEITH KOMARNICKI, on behalf of
himself and all others similarly situated,,

Plaintiff(s),

v.

LINKUS ENTERPRISES, LLC, et al.,

Defendants.

No. 1:16-cv-01602-DAD-SKO

ORDER DIRECTING THE CLERK TO
TERMINATE DEFENDANTS LINKUS
ENTERPRISES, INC. AND LINKUS CA

(Doc. No. 25)

On February 17, 2017, Plaintiff filed a notice of voluntary dismissal of Defendants

LinkUs Enterprises, Inc. and LinkUs CA without prejudice, pursuant to Federal Rule of Civil

Procedure 41(a)(1)(A)(i). (Doc. No. 25.)

In relevant part, Rule 41(a)(1)(A) provides as follows:

> [A] 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; or (ii) a stipulation of dismissal signed by all parties who
> have appeared.

Fed. R. Civ. P. 41(a)(1)(A). "The plaintiff may dismiss some or all of the defendants, or some or

all of his claims, through a Rule 41(a)(1) notice," and the dismissal "automatically terminates the

action as to the defendants who are the subjects of the notice." *Wilson v. City of San Jose*, 111

1 F.3d 688, 692 (9th Cir. 1997).

2   Because Plaintiff filed a notice of dismissal of this case without prejudice under Rule

3 41(a)(1)(A)(i), this case has automatically terminated as to Defendants LinkUs Enterprises, Inc.

4 and LinkUs CA. Fed. R. Civ. P. 41(a)(1)(A)(i). Accordingly, the Clerk of the Court is directed to

5 TERMINATE Defendants LinkUs Enterprises, Inc. and LinkUs CA.

6   This case shall remain OPEN pending resolution of the Plaintiff's case against the

7 remaining defendants.

8

9 IT IS SO ORDERED.

10 Dated: **February 21, 2017**   /s/ *Sheila K. Oberto*

11   UNITED STATES MAGISTRATE JUDGE