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UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

FLORO M. YBANEZ,

Plaintiff,

vs.

D. SCOTT CARRUTHERS, A Professional Law Corporation,

Defendant.

Case No.: 1:17-cv-00081-DAD-JLT

[~~PROPOSED~~] ORDER CLOSING CASE

The parties have filed as stipulation to dismiss this action with prejudice, with each party to bear their own attorney fees and costs. (Doc. 7) The stipulation relies on Fed. R. Civ.P. 41(a)(1) which provides, "the plaintiff may dismiss an action without a court order by filing: . . . a stipulation of dismissal signed by all parties who have appeared.". . ." Fed. R. Civ. P. 41(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). Thus, the Clerk of Court is DIRECTED to close this action in light of the stipulation signed pursuant to Rule 41(a).

IT IS SO ORDERED.

Dated: **February 28, 2017**

/s/ Jennifer L. Thurston
UNITED STATES MAGISTRATE JUDGE

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