

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

HERTA CARTAGENA.

No. 1:17-cv-00132-LJO-SKO

Plaintiff,

10

JASBINDER SINGH, et al.,

ORDER DIRECTING THE CLERK TO
CLOSE CASE

(Doc. No. 5)

On February 28, 2017, Plaintiff filed a notice of voluntary dismissal with prejudice. (Doc. No. 5.)

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

[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

¹ Plaintiff's notice of voluntary dismissal erroneously indicates that it is being filed pursuant to Fed. R. Civ. P. 41 (a)(1)(A)(ii). (See Doc. 5.) That provision, however, pertains to dismissal of an action by "stipulation . . . signed by all parties who have appeared." Instead, the rule under which Plaintiff seeks dismissal is actually Fed. R. Civ. P. 41(a)(1)(A)(i), which permits a plaintiff to dismiss an action by filing "a notice of dismissal before the opposing party serves either an answer or a motion for summary judgment."

1 all of his claims, through a Rule 41(a)(1) notice,” and the dismissal “automatically terminates the
2 action as to the defendants who are the subjects of the notice.” *Wilson v. City of San Jose*, 111
3 F.3d 688, 692 (9th Cir. 1997).

4 Because Plaintiff filed a notice of dismissal of this case with prejudice, this case has
5 automatically terminated. Fed. R. Civ. P. 41(a)(1)(A)(i). Accordingly, IT IS HEREBY
6 ORDERED that the Clerk of the Court is to close this case.

7 IT IS SO ORDERED.
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9 Dated: March 1, 2017

/s/ Sheila K. Oberto
10 UNITED STATES MAGISTRATE JUDGE

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