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**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA**

JOGERT ABRANTES,)	Case No. 1:17-cv-00152-AWI-SAB
)	
Plaintiff,)	ORDER DIRECTING THE CLERK OF THE
)	COURT TO TERMINATE DEFENDANT
vs.)	AMERICAN BLINDS AND DRAPERIES,
)	INC. IN THIS ACTION PURSUANT TO
AMERICAN BLINDS AND DRAPERIES,)	FED. R. CIV. P. 41(a)
INC., et al.)	
)	(ECF No. 23)
Defendants.)	
)	
)	

On November 14, 2017, Plaintiff filed a notice of dismissal without prejudice as to Defendant American Blinds and Draperies Inc.

The Ninth Circuit has held that Rule 41(a) of the Federal Rules of Civil Procedure allows a plaintiff to dismiss without a court order any defendant who has yet to serve an answer or motion for summary judgment. Pedrina v. Chun, 987 F.2d 608, 609 (9th Cir. 1993). Rule 41(a) allows a party to dismiss some or all of the defendants or claims in an action through a Rule 41(a) notice. Wilson v. City of San Jose, 111 F.3d 688, 692 (9th Cir. 1997). “The filing of a notice of voluntary dismissal with the court automatically terminates the action as to the defendants who are the subjects of the notice.” Id. “[A] dismissal under Rule 41(a)(1) is effective on filing, no court order is required, the parties are left as though no action had been brought, the defendant can’t complain, and the district court lacks jurisdiction to do anything

1 about it.” Commercial Space Mgmt. Co., Inc. v. Boeing Co., Inc., 193 F.3d 1074, 1078 (9th
2 Cir. 1999).

3 Accordingly, IT IS HEREBY ORDERED that the Clerk of the Court shall terminate
4 Defendant American Blinds and Draperies, Inc. in this action.

5
6 IT IS SO ORDERED.

7 Dated: November 14, 2017


8 UNITED STATES MAGISTRATE JUDGE