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9	UNITED STATES DISTRICT COURT EASTERN DISTRICT OF CALIFORNIA		
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11	JOSE TRUJILLO,	Case No. 1:17-cv-00231-AWI-SAB	
12	Plaintiff,	ORDER DIRECTING CLERK OF COURT TO CLOSE CASE AND ADJUST DOCKET TO REFLECT VOLUNTARY DISMISSAL	
13	V.		
14	SABBI KAHLON CORPORATION, et al.,	(ECF No. 8)	
15	Defendants.		
16			
17	This action was filed on February 16, 2017. (ECF No. 1.) On April 14, 2017, Plaintiff		
18	filed a notice of voluntary dismissal pursuant to Rule 41(a)(1) of the Federal Rules of Civil		
19	Procedure.		
20	"[U]nder Rule 41(a)(1)(A)(i), 'a plaintiff has an absolute right to voluntarily dismiss his		
21	action prior to service by the defendant of an answer or a motion for summary judgment.' "		
22	Commercial Space Mgmt. Co., Inc. v. Boeing Co., Inc., 193 F.3d 1074, 1077 (9th Cir. 1999)		
23	(quoting Wilson v. City of San Jose, 111 F.3d 688, 692 (9th Cir. 1997)). The Ninth Circuit has		
24	held that Rule 41(a) allows a plaintiff to dismiss without a court order any defendant who has yet		
25	to serve an answer or motion for summary judgment. Pedrina v. Chun, 987 F.2d 608, 609 (9th		
26	Cir. 1993). "[A] dismissal under Rule 41(a)(1) is effective on filing, no court order is required,		
27	the parties are left as though no action had been brought, the defendant can't complain, and the		
28	district court lacks jurisdiction to do anything about it." Commercial Space Mgmt. Co., Inc., 193		

1	F.3d at 1078. In this action, no defendant has filed an answer or other responsive pleading.
2	Accordingly, the Clerk of the Court is HEREBY ORDERED to CLOSE the file in this
3	case and adjust the docket to reflect voluntary dismissal of this action pursuant to Rule 41(a).
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5	IT IS SO ORDERED.
6	Dated: April 18, 2017 UNITED STATES MAGISTRATE JUDGE
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