

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

PATRICK A. GOLDEN, M.D.,

No. 1:17-cv-00264-LJO-SKO

Plaintiff,

Y.

THE UNITED STATES LIFE
INSRUANCE COMPANY IN THE CITY
OF NEW YORK, et al.,

**ORDER DIRECTING THE CLERK TO
TERMINATE DEFENDANT AIG BENEFIT
SOLUTIONS**

(Doc. 6)

Defendants.

On March 30, 2017, Plaintiff filed a notice of voluntary dismissal of Defendant AIG Benefit Solutions without prejudice, pursuant to Federal Rule of Civil Procedure 41(a)(1)(A)(i). (Doc. 6.)

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 Defendant AIG Benefit Solutions.
4 Fed. R. Civ. P. 41(a)(1)(A)(i). Accordingly, the Clerk of the Court is directed to TERMINATE
5 Defendant AIG Benefit Solutions.

6 This case shall remain OPEN pending resolution of the plaintiff's case against the
7 remaining defendant.

8 IT IS SO ORDERED.
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10 Dated: March 31, 2017

/s/ *Sheila K. Oberlo*
11 UNITED STATES MAGISTRATE JUDGE

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