

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

JOSE ACOSTA,
Plaintiff
v.
ISLAND CATTLE COMPANY, LLC;
MCCRACKEN, INC.,
Defendants.

Case No. 1:17-cv-00270-DAD-EPG

ORDER DIRECTING THE CLERK OF THE COURT TO CLOSE THE CASE

(ECF No. 11)

On June 28, 2017, Plaintiff Jose Acosta filed a notice of dismissal dismissing his case with prejudice. (ECF No. 11.) No defendant has filed an answer or motion for summary judgment. In light of Plaintiff's notice, this action has been terminated, *see Fed. R. Civ. P. 41(a)(1)(A)(i); Wilson v. City of San Jose*, 111 F.3d 688, 692 (9th Cir. 1997), and has been dismissed with prejudice. *Concha v. London*, 62 F.3d 1493, 1506 (9th Cir. 1995) ("Even if the defendant has filed a motion to dismiss, the plaintiff may terminate his action voluntarily by filing a notice of dismissal under Rule 41(a)(1).").

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1 Accordingly, the Clerk of the Court is DIRECTED to close this case.
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4 IT IS SO ORDERED.
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6 Dated: June 29, 2017
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8 /s/ *Eric P. Groj*
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10 UNITED STATES MAGISTRATE JUDGE
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