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8 **UNITED STATES DISTRICT COURT**
9 **EASTERN DISTRICT OF CALIFORNIA**
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11 NEW YORK MARINE AND GENERAL)	Case No.: 1:17-cv-00453 - LJO - JLT
12 INSURANCE COMPANY,)	
13 Plaintiff,)	ORDER DIRECTING CLERK OF THE COURT
14 v.)	TO CLOSE THIS ACTION PURSUANT TO
15 NORTHWEST CARRIER LOGISTIC, LLC)	PLAINTIFF'S NOTICE OF VOLUNTARY
16 and LAKWINDER SINGH)	DISMISSAL
17 Defendant.)	(Doc. 5)

18 On May 30, 2017, Plaintiff Western World Insurance Company filed a Notice of Voluntary
19 Dismissal. (Doc. 5) Rule 41 of the Federal Rules of Civil Procedure provides that “the plaintiff may
20 dismiss an action without a court order by filing: (i) a notice of dismissal before the opposing party
21 serves either an answer or a motion for summary judgment; or (ii) a stipulation of dismissal signed by
22 all parties who have appeared.” Fed. R. Civ. P. 41(a)(1)(A).

23 Once such a notice has been filed, an order of the Court is not required to effectuate the
24 dismissal. Fed. R. Civ. Pro. 41(a)(1)(ii); *Wilson v. City of San Jose*, 111 F.3d 688, 692 (9th Cir. 1997).
25 Because the defendants had not yet filed responsive pleadings, Plaintiff was able to file a notice of
26 dismissal, which “automatically terminate[d] the action.” *Wilson*, 111 F.3d at 692.

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Based upon the foregoing, the Court **ORDERS**

1. The Clerk of Court is **DIRECTED** to close this action in light of the notice of dismissal with prejudice filed and properly signed pursuant to Rule 41(a).

IT IS SO ORDERED.

Dated: May 31, 2017

/s/ Jennifer L. Thurston
UNITED STATES MAGISTRATE JUDGE