

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

NEW YORK MARINE AND GENERAL  
INSURANCE COMPANY, ) Case No.: 1:17-cv-00453 - LJO - JLT  
)  
Plaintiff, ) ORDER DIRECTING CLERK OF THE COURT  
) TO CLOSE THIS ACTION PURSUANT TO  
) PLAINTIFF'S NOTICE OF VOLUNTARY  
) DISMISSAL  
)  
v. )  
)  
NORTHWEST CARRIER LOGISTIC, LLC ) (Doc. 5)  
and LAKWINDER SINGH )  
)  
Defendant. )  
)

On May 30, 2017, Plaintiff Western World Insurance Company filed a Notice of Voluntary Dismissal. (Doc. 5) Rule 41 of the Federal Rules of Civil Procedure provides that “the 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).

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