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

JORGE GUZMAN HERNANDEZ,
Plaintiff
v.
NATIONAL EXPRESS TRANSIT
CORPORATION, *et al.*,
Defendants.

Case No. 1:17-cv-00610-DAD-EPG
**ORDER DIRECTING THE CLERK OF
THE COURT TO TERMINATE
DEFENDANT DANIEL KLEMPLE**
(ECF No. 7)

On June 27, 2017, Plaintiff Jorge Hernandez filed a notice of voluntary dismissal dismissing his claims against Defendant Daniel Klemple without prejudice. (ECF No. 7.) Defendant Klemple has not filed an answer or motion for summary judgment. In light of Plaintiff’s notice, the claims against Defendant Daniel Klemple have 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 dismissed without 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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Accordingly, the Clerk of the Court is DIRECTED to terminate Daniel Klemple as a Defendant in this case.

IT IS SO ORDERED.

Dated: June 28, 2017

/s/ Eric P. Gray
UNITED STATES MAGISTRATE JUDGE