

1 from the proceeds of the sale of the Subject Property prior to satisfying the outstanding liens on the
2 Subject Property;

3 e. The FTB is excused from further participation in this action, until, and if, the Court
4 permits the sale of the Subject Property

5 2. Rule 41 of the Federal Rules of Civil Procedure permits the plaintiff to dismiss an action in part
6 without a court order before parties have appeared. Here, the Franchise Tax Board has not appeared in
7 this matter but, even still, it and the plaintiff agree that the matter may be closed as to the Franchise Tax
8 Board (Doc. 12-2). The notice of request for voluntary dismissal filed by the plaintiff “automatically
9 terminate[s] the action” as to the FTB. Wilson v. City of San Jose, 111 F.3d 688, 692 (9th Cir. 1997).

10 Accordingly, the Clerk of Court is DIRECTED to close this action as to the **Franchise Tax Board**
11 **only**.

12
13 IT IS SO ORDERED.

14 Dated: July 24, 2017

/s/ Jennifer L. Thurston
15 UNITED STATES MAGISTRATE JUDGE

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