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5 **UNITED STATES DISTRICT COURT**
6 **EASTERN DISTRICT OF CALIFORNIA**
7 **FRESNO DIVISION**
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10 WILLIAM HOPSON,

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12 PLAINTIFF,

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14 v.

15 AMERICAN TIRE DEPOT, INC., et al.,
16 DEFENDANTS.

Case No.: 1:17-cv-00880-LJO-SAB

ORDER DIRECTING CLERK OF COURT TO
CLOSE CASE AND ADJUST DOCKET TO
REFLECT VOLUNTARY DISMISSAL

(ECF No. 14)

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18 On July 4, 2017, Plaintiff William Hopson filed this action alleging violations the Americans
19 with Disabilities Act of 1990 and state law. (ECF No. 1.) On December 21, 2017, Plaintiff filed a
20 notice of voluntary dismissal with prejudice pursuant to Rule 41(a)(1) of the Federal Rules of Civil
21 Procedure.

22 “[U]nder Rule 41(a)(1)(A)(i), ‘a plaintiff has an absolute right to voluntarily dismiss his
23 action prior to service by the defendant of an answer or a motion for summary judgment.’ ”
24 Commercial Space Mgmt. Co., Inc. v. Boeing Co., Inc., 193 F.3d 1074, 1077 (9th Cir. 1999)
25 (quoting Wilson v. City of San Jose, 111 F.3d 688, 692 (9th Cir. 1997)). The Ninth Circuit has held
26 that Rule 41(a) allows a plaintiff to dismiss without a court order any defendant who has yet to serve
27 an answer or motion for summary judgment. Pedrina v. Chun, 987 F.2d 608, 609 (9th Cir. 1993).
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1 “[A] dismissal under Rule 41(a)(1) is effective on filing, no court order is required, the parties are
2 left as though no action had been brought, the defendant can’t complain, and the district court lacks
3 jurisdiction to do anything about it.” Commercial Space Mgmt. Co., Inc., 193 F.3d at 1078. In this
4 action, no defendant has filed an answer or other responsive pleading.

5 Accordingly, the Clerk of the Court is HEREBY ORDERED to CLOSE the file in this case
6 and adjust the docket to reflect voluntary dismissal of this action pursuant to Rule 41(a).

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8 IT IS SO ORDERED.

9 Dated: December 22, 2017


UNITED STATES MAGISTRATE JUDGE