

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

DEBRA ANGLIN,) Case No.: 1:17-cv-00974-AWI- JLT
Plaintiff,)
v.) ORDER DIRECTING THE CLERK TO UPDATE
ETHELE BARRON, et al.,) THE DOCKET AND TERMINATE JOSE
Defendant.) GONZALES AS A DEFENDANT IN THE
) ACTION
) (Doc. 12)
)

Debra Anglin filed a Notice of Dismissal as to defendant Jose Gonzales without prejudice. (Doc. 12) Pursuant to Fed.R.Civ.P. 41(a)(1)(A)(i), “the plaintiff may dismiss an action without a court order by filing . . . a notice of dismissal before the opposing party serves either an answer or a motion for summary judgment.” Because Mr. Gonzales has not filed an answer or motion for summary judgment, the dismissal was effective without an order of the court. *See* Fed. R. Civ. Pro. 41(a)(2); *Wilson v. City of San Jose*, 111 F.3d 688, 692 (9th Cir. 1997).

Accordingly, the Clerk of Court is **DIRECTED** to update the docket and terminate Jose Gonzales as a defendant in the action.

IT IS SO ORDERED.

Dated: **October 4, 2017**

/s/ Jennifer L. Thurston
UNITED STATES MAGISTRATE JUDGE