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6 **UNITED STATES DISTRICT COURT**
7 **EASTERN DISTRICT OF CALIFORNIA**
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9 **LORAIN GOODWIN,**

10 **Plaintiff**

11 **v.**

12 **AMAZON.COM, LLC and DOES 1-20,**

13 **Defendants**

CASE NO. 1:17-CV-1157 AWI BAM

ORDER CLOSING CASE

(Doc. No. 3)

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16 On April 18, 2018, the Magistrate Judge assigned to this matter issued a Findings and
17 Recommendation (“F&R”) for the case to be dismissed with prejudice for failure to state a claim,
18 failure to obey a court order, and failure to prosecute.¹ See Doc. No. 3.

19 On April 27, 2018, Plaintiff filed objections to the F&R. See Doc. No. 4. In the
20 objections, Plaintiff explains that time was of the essence when she filed suit in 2017. See id. By
21 the time the complaint was screened, her circumstances had materially changed. See id. Given
22 the passage of time from filing to the F&R, Plaintiff states that she “would just be happy for the
23 return of her \$400 filing fee and the current case dropped.” Id.

24 In light of Plaintiff’s pro se status, the Court reads the quoted sentence as a request to
25 dismiss this case. Federal Rule of Civil Procedure 41(a)(1), in relevant part, reads:

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¹ The Magistrate Judge had previously screened Plaintiff’s complaint and found that the Court lacked jurisdiction
28 because the claims implicated Plaintiff’s federal income tax liability. See Doc. Nos. 2, 3. Plaintiff was given thirty
days to file an amended complaint, but failed to do so. See id. When Plaintiff did not file an amended complaint, the
F&R issued. See Doc. No. 3.

1 (A) . . . the plaintiff may dismiss an action without a court order by filing: (i) a
2 notice of dismissal before the opposing party serves either an answer or a motion
3 for summary judgment; or (ii) a stipulation of dismissal signed by all parties who
4 have appeared. . . . (B) Unless the notice or stipulation states otherwise, the
5 dismissal is without prejudice.

6 Dismissals under Rule 41(a)(1)(A), when properly filed, are effective immediately and do not
7 require a court order/court approval. See Fed. R. Civ. P. 41(a)(1); Yesh Music v. Lakewood
8 Church, 727 F.3d 356, 362 (5th Cir. 2013); Commercial Space Mgmt. Co. v. Boeing Co., 193 F.3d
9 1074, 1077 (9th Cir. 1999); Wilson v. City of San Jose, 111 F.3d 688, 692 (9th Cir. 1997).

10 Here, no answers to Plaintiff’s complaint and no motions for summary judgment have been
11 filed, and it appears that no such documents have been served. Because Plaintiff has exercised her
12 right to voluntarily dismiss her complaint under Rule 41(a)(1), this case has terminated
13 automatically. See Fed. R. Civ. P. 41(a)(1)(A)(i); Wilson, 111 F.3d at 692.

14 With respect to Plaintiff’s request for the return of her \$400 filing fee, it is regrettable that
15 the case load of the Eastern District of California is such that several months passed before
16 Plaintiff’s complaint was screened. However, when the Complaint was screened, the Magistrate
17 Judge discovered significant jurisdictional problems with the Complaint. Without jurisdiction, the
18 Court could not give Plaintiff any relief. Rivera v. RRB, 262 F.3d 1005, 1008 (9th Cir. 2001)
19 (“[W]ithout jurisdiction the court cannot proceed at all in any cause. Jurisdiction is the power to
20 declare the law, and when it ceases to exist, the only function remaining to the court is that of
21 announcing the fact and dismissing the cause.”) (quoting Ex parte McCardie, 74 U.S. 506, 514
22 (1868)). If the case had been dismissed earlier on a jurisdictional basis, Plaintiff would not be
23 entitled to her filing fee. Moreover, the Court sees literally hundreds of cases that are voluntarily
24 dismissed under Rule 41(a)(1), and in none of those cases is the filing fee returned. There is no
25 basis or administrative mechanism in place for the return of Plaintiff’s filing fee.

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Accordingly, IT IS HEREBY ORDERED that:

1. The Clerk shall CLOSE this case in light of Plaintiff's Rule 41(a)(1) voluntary dismissal;
and
2. The Court declines to adopt the Findings and Recommendation (Doc. No. 3) as moot in
light of the voluntary dismissal.

IT IS SO ORDERED.

Dated: May 8, 2018



SENIOR DISTRICT JUDGE