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UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

JOSE ACOSTA,  
Plaintiff,  
v.  
ALI SADIK, et al.,  
Defendants.

No. 1:17-cv-01533-DAD-SKO

ORDER DIRECTING THE CLERK TO  
TERMINATE DEFENDANT JOHN  
KOJIGIAN, JR.

(Doc. 24)

On May 8, 2018, Plaintiff filed a Stipulation for Voluntary Dismissal of Defendant John Kojigian, Jr. with prejudice, pursuant to Federal Rule of Civil Procedure 41(a)(1)(A). (Doc. 24.)

In relevant part, Rule 41(a)(1)(A) provides as follows:

[A] plaintiff may dismiss an action without a court order by filing: (i) a notice of dismissal before the opposing party serves either an answer or a motion for summary judgment; or (ii) a stipulation of dismissal signed by all parties who have appeared.

Fed. R. Civ. P. 41(a)(1)(A). “The plaintiff may dismiss some or all of the defendants, or some or all of his claims, through a Rule 41(a)(1) notice,” and the dismissal “automatically terminates the action as to the defendants who are the subjects of the notice.” *Wilson v. City of San Jose*, 111 F.3d 688, 692 (9th Cir. 1997).

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Because Plaintiff filed a stipulation of dismissal of this case with prejudice under Rule 41(a)(1)(A)(i), this case has automatically terminated as to Defendant John Kojigian, Jr. Fed. R. Civ. P. 41(a)(1)(A). Accordingly, the Clerk of the Court is directed to TERMINATE Defendant John Kojigian, Jr.

This case shall remain OPEN pending resolution of Plaintiff's case against the remaining defendant.

IT IS SO ORDERED.

Dated: May 9, 2018

/s/ Sheila K. Oberto  
UNITED STATES MAGISTRATE JUDGE