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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

JOSE ACOSTA,
Plaintiff,
v.
ECONOMY SMOG, INC., et al.,
Defendants.

No. 1:17-cv-01651-DAD-EPG

ORDER CLOSING CASE FOLLOWING
STIPULATION OF DISMISSAL WITH
PREJUDICE

(Doc. No. 7)

Plaintiff Jose Acosta filed a notice of settlement on February 22, 2018, and a stipulation dismissing this action with prejudice “pursuant to Federal Rule of Civil Procedure 41(a)(2)” on February 27, 2018. (Doc. Nos. 5, 7.)

Under Rule 41(a)(1)(A), a plaintiff may dismiss an action without a court order if he or she files “a notice of dismissal before the opposing party serves either an answer or motion for summary judgment” or a “stipulation of dismissal signed by all parties who have appeared.” Fed. R. Civ. P. 41(a)(1)(A)(i)–(ii). Because defendants here have not served either an answer or a motion for summary judgment, the court will construe the stipulation as being submitted by plaintiff pursuant to Federal Rule of Civil Procedure 41(a)(1)(A)(i). In light of the voluntary dismissal, this action has terminated, *see* Fed. R. Civ. P. 41(a)(1)(A)(i); *Wilson v. City of San Jose*, 111 F.3d 688, 692 (9th Cir. 1997), and has been dismissed with prejudice.

