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8	UNITED STATES DISTRICT COURT	
9	FOR THE EASTERN DISTRICT OF CALIFORNIA	
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11	JOSE ACOSTA,	No. 1:17-cv-01651-DAD-EPG
12	Plaintiff,	
13	v.	ORDER CLOSING CASE FOLLOWING
14	ECONOMY SMOG, INC., et al.,	STIPULATION OF DISMISSAL WITH PREJUDICE
15	Defendants.	(Doc. No. 7)
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18	Plaintiff Jose Acosta filed a notice of settlement on February 22, 2018, and a stipulation	
19	dismissing this action with prejudice "pursuant to Federal Rule of Civil Procedure 41(a)(2)" on	
20	February 27, 2018. (Doc. Nos. 5, 7.)	
21	Under Rule 41(a)(1)(A), a plaintiff may dismiss an action without a court order if he or	
22	she files "a notice of dismissal before the opposing party serves either an answer or motion for	
23	summary judgment" or a "stipulation of dismissal signed by all parties who have appeared." Fed.	
24	R. Civ. P. $41(a)(1)(A)(i)$ –(ii). Because defendants here have not served either an answer or a	
25	motion for summary judgment, the court will construe the stipulation as being submitted by	
26	plaintiff pursuant to Federal Rule of Civil Procedure 41(a)(1)(A)(i). In light of the voluntary	
27	dismissal, this action has terminated, see Fed. R. Civ. P. 41(a)(1)(A)(i); Wilson v. City of San	
28	Jose, 111 F.3d 688, 692 (9th Cir. 1997), and has been dismissed with prejudice.	
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1	The parties also request that the court retain jurisdiction to enforce the terms of their	
2	settlement agreement. (Doc. No. 7.) Federal courts may, within their discretion, retain	
3	jurisdiction over settlement agreements reached out of court. See Kokkonen v. Guardian Life Ins.	
4	Co. of Am., 511 U.S. 375, 381 (1994). The decision to retain jurisdiction is discretionary and not	
5	mandatory. See HM Elec., Inc. v. R.F. Techs., Inc., No. 12-cv-2884-BAS-MDD, 2016 WL	
6	4063806, at *1 (S.D. Cal. Feb. 17, 2016). The court will retain jurisdiction here to interpret and	
7	enforce the terms of the settlement agreement in light of the future actions anticipated pursuant to	
8	that settlement agreement.	
9	Accordingly, the Clerk of the Court is directed to close this case.	
10	IT IS SO ORDERED.	
11	Dated: March 9, 2018 Jale A. Dryd	
12	UNITED STATES DISTRICT JUDGE	
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