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8 **UNITED STATES DISTRICT COURT**

9 EASTERN DISTRICT OF CALIFORNIA

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11 CITY PSYCHOLOGY, INC.,

12 Plaintiff,

13 v.

14 UNITED STATES DEPARTMENT OF
15 HOMELAND SECURITY,

16 Defendant.

Case No. 1:17-mc-00025-SAB

ORDER DIRECTING CLERK OF COURT
TO CLOSE CASE AND ADJUST DOCKET
TO REFLECT VOLUNTARY DISMISSAL

(ECF No. 7)

17 This action was filed on April 19, 2017. (ECF No. 1.) On May 3, 2017, Plaintiff filed a
18 notice of voluntary dismissal pursuant to Rule 41(a)(1) of the Federal Rules of Civil Procedure.

19 “[U]nder Rule 41(a)(1)(A)(i), ‘a plaintiff has an absolute right to voluntarily dismiss his
20 action prior to service by the defendant of an answer or a motion for summary judgment.’ ”
21 Commercial Space Mgmt. Co., Inc. v. Boeing Co., Inc., 193 F.3d 1074, 1077 (9th Cir. 1999)
22 (quoting Wilson v. City of San Jose, 111 F.3d 688, 692 (9th Cir. 1997)). The Ninth Circuit has
23 held that Rule 41(a) allows a plaintiff to dismiss without a court order any defendant who has yet
24 to serve an answer or motion for summary judgment. Pedrina v. Chun, 987 F.2d 608, 609 (9th
25 Cir. 1993). “[A] dismissal under Rule 41(a)(1) is effective on filing, no court order is required,
26 the parties are left as though no action had been brought, the defendant can’t complain, and the
27 district court lacks jurisdiction to do anything about it.” Commercial Space Mgmt. Co., Inc., 193
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1 F.3d at 1078. In this action, no defendant has filed an answer or other responsive pleading.

2 Accordingly, the Clerk of the Court is HEREBY ORDERED to CLOSE the file in this
3 case and adjust the docket to reflect voluntary dismissal of this action pursuant to Rule 41(a).

4 All pending matters and dates in this action are VACATED.

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6 IT IS SO ORDERED.

7 Dated: May 4, 2017


UNITED STATES MAGISTRATE JUDGE

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