

1 Dismissal” agreeing to Plaintiff’s request for dismissal of this case without prejudice, which was
2 signed by all parties who have appeared in the case. (Doc. 25.) In light of the parties’ fully-executed
3 stipulation of dismissal, the Court closed the case on September 10, 2018. (Doc. 26.)

4 On August 6, 2019, Plaintiff filed a “Motion/Order to Reopen Case Under Civil P Rule 60 (B)”
5 but did not state the reason he is seeking to reopen the case. (Doc. 27.) Plaintiff does state, however,
6 that “[n]o prejudice will be suffered by defendants if case is reopened.” (*Id.* at 1.)

7 A stipulated dismissal under Rule 41 requires no action on the part of the court and divests the
8 court of jurisdiction upon the filing of the stipulation. *Commercial Space Management Co., Inc. v.*
9 *Boeing Co., Inc.*, 193 F.3d 1074, 1076 (9th Cir. 1999) (“a Rule 41(a)(1) dismissal, once filed,
10 automatically terminates the action, and thus federal jurisdiction, without judicial involvement.”).
11 Therefore, when the stipulation of dismissal signed by all parties who had appeared was filed pursuant
12 to Rule 41(a)(1)(A)(ii) on September 7, 2018, the case was terminated and this Court was divested of
13 jurisdiction over Plaintiff’s case. As the stipulation of dismissal in this case provided Plaintiff’s
14 complaint was dismissed *without prejudice*, he is free to file a new complaint. However, Plaintiff’s
15 motion to reopen this case, (Doc. 27), is DENIED for lack of jurisdiction.

16 The Court DIRECTS the Clerk to send a copy of this Order to Plaintiff at his address listed on
17 the docket for this matter.

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19 IT IS SO ORDERED.

20 Dated: August 7, 2019

/s/ Sheila K. Oberto
21 UNITED STATES MAGISTRATE JUDGE
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