

**UNITED STATES DISTRICT COURT**

EASTERN DISTRICT OF CALIFORNIA

**SAMANTHA RASCON,****Plaintiff,****v.****UNITED STATES OF AMERICA,****Defendant.****Case No. 1:18-cv-00711-AWI-SAB****ORDER NOTING DISMISSAL OF  
UNITED STATES PURSUANT TO FED.  
R. CIV. P. 41(a) AND ORDER  
REMANDING MATTER TO TULARE  
COUNTY SUPERIOR COURT****(Doc. Nos. 6, 8)**

On December 6, 2017, Plaintiff Samantha Rascon filed this action in the Tulare County Superior Court against the Kaweah Delta Health Care District and the Family Healthcare Network. See Doc. No. 1. On May 24, 2018, the United States of America removed this action to the Eastern District of California and filed a notice of substitution for the Family Healthcare Network. See Doc. Nos. 1, 3.

On July 10, 2018, Family Healthcare Network was administratively terminated because the United States of America had substituted in as a defendant in place of Family Healthcare Network. See Doc. No. 5. The order required the parties to address the status of Kaweah Delta Health Care District in their joint scheduling order as they had not appeared in this action. Id.

On July 24, 2018, Plaintiff and Defendant United States of America filed a stipulation for dismissal of Defendant United States of America. See Doc. No. 6. The magistrate judge ordered that parties to file a joint status report addressing Kaweah Delta Health Care District and whether this action should be closed now that Plaintiff and Defendant United States of America have filed a stipulation for dismissal. See Doc. No. 7.

On August 1, 2018, the parties filed a joint status report. See Doc. No. 8. The parties state that as the United States has been dismissed from this action there is no basis for the court to retain jurisdiction. Id. The report requests that upon the dismissal of the United States, this action be remanded back to the state court to litigate the remaining claims. Id.

1 **II. Dismissal of United States**

2 Pursuant to Rule 41 of the Federal Rules of Civil Procedure, “plaintiff may dismiss an  
3 action without a court order by filing a stipulation of dismissal signed by all parties who have  
4 appeared.” Fed. R. Civ. P. 41(a)(1)(A)(ii). Dismissals under Rule 41(a)(1) result in an  
5 automatic dismissal, no court order is necessary or proper. See Fed. R. Civ. P. 41(a)(1).

6 Here, although the initial stipulation was signed only by Rascon and the United States, the  
7 joint status report is signed by all parties. The Court views the joint status report and the initial  
8 stipulated dismissal as together constituting a Rule 41(a)(1) dismissal. Therefore, the United States  
9 has been automatically dismissed from this case with the filing of the joint status report. The  
10 United States is no longer a party to this action. Rule 41(a)(1)(A)(ii).

11 **III. Remand to State Court**

12 The parties’ status report jointly requests that the Court remand this action to state court.  
13 In essence, the status report is a joint stipulation to remand. With the dismissal of the United  
14 States, the entire basis of removal, and the reason that this case is in Federal Court, is gone. The  
15 Court agrees that remand to state court is proper and will give effect to the parties’ stipulation to  
16 remand.

17 Accordingly, IT IS HEREBY ORDERED that:

- 18 1. Pursuant to Rule 41(a)(1), the United States is no longer a party to this matter and  
19 the Clerk shall note that party’s dismissal on the docket;  
20 2. The party’s joint request to remand is GRANTED and this is action is  
21 REMANDED forthwith to Tulare County Superior Court; and  
22 3. The Clerk of the Court is directed to CLOSE this action.

23 IT IS SO ORDERED.

24 Dated: August 6, 2018

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26 SENIOR DISTRICT JUDGE  
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