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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

KARLA BADAY,
Plaintiff,
v.
COUNTY OF KINGS, et. al.,
Defendants.

No. 1:20-cv-00644-NONE-SKO
ORDER DIRECTING THE CLERK TO
TERMINATE DEFENDANT DANIEL
BROWN
(Doc. 38)

On February 17, 2021, the parties filed a stipulation dismissing Defendant Brown, without prejudice, pursuant to Federal Rule of Civil Procedure 41(a)(1)(A). (Doc. 38.)

In relevant part, Rule 41(a)(1)(A) provides as follows:

[A] plaintiff may dismiss an action without a court order by filing: (i) a notice of dismissal before the opposing party serves either an answer or a motion for summary judgment; or (ii) a stipulation of dismissal signed by all parties who have appeared.

Fed. R. Civ. P. 41(a)(1)(A). “The plaintiff may dismiss some or all of the defendants, or some or all of his claims, through a Rule 41(a)(1) notice,” and the dismissal “automatically terminates the action as to the defendants who are the subjects of the notice.” *Wilson v. City of San Jose*, 111 F.3d 688, 692 (9th Cir. 1997).

Because the parties filed a stipulation of dismissal without prejudice under Rule

1 41(a)(1)(A)(ii), this case has automatically terminated as to Defendant Daniel Brown. Fed. R. Civ.
2 P. 41(a)(1)(A). Accordingly, the Clerk of the Court is directed to TERMINATE Defendant Daniel
3 Brown.

4 This case shall remain OPEN pending resolution of Plaintiff's case against the remaining
5 defendants.

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7 IT IS SO ORDERED.

8 Dated: February 18, 2021

/s/ Sheila K. Oberto
UNITED STATES MAGISTRATE JUDGE

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