

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

DARREN GILBERT,

Plaintiff,

v.

B&S DHILLON, INC., et al.,

Defendants.

Case No. 1:22-cv-00547-AWI-SAB

ORDER DIRECTING CLERK OF COURT
TO CLOSE CASE AND ADJUST THE
DOCKET TO REFLECT VOLUNTARY
DISMISSAL PURSUANT TO RULE 41(a)
OF THE FEDERAL RULES OF CIVIL
PROCEDURE

(ECF No. 30)

On January 18, 2023, Plaintiff filed a stipulation of dismissal. (ECF No. 30.) In the notice, Plaintiff dismisses Defendant B & S Dhillon, Inc., doing business as AJ's Market, without prejudice; and dismisses Defendants Richard P. Barbaccia and Eileen C. Barbaccia, Trustees under the Barbaccia 1989 Revocable Trust dated May 18, 1989, with prejudice. No other defendants remain in this action.

Rule 41(a) of the Federal Rules of Civil Procedure allows a party to dismiss some or all of the defendants in an action through a Rule 41(a) notice. Wilson v. City of San Jose, 111 F.3d 688, 692 (9th Cir. 1997); see also Concha v. London, 62 F.3d 1493, 1506 (9th Cir. 1995) ("The plaintiff may dismiss either some or all of the defendants—or some or all of his claims—through a Rule 41(a)(1) notice."); Hells Canyon Pres. Council v. U.S. Forest Serv., 403 F.3d 683, 687 (9th Cir. 2005) (The Ninth Circuit has "only extended the rule to allow the dismissal of all claims against one defendant, so that a defendant may be dismissed from the entire action."). "Filing a

1 notice of voluntary dismissal with the court automatically terminates the action as to the
2 defendants who are the subjects of the notice.” Concha, 62 F.3d at 1506.

3 In light of the notice of dismissal, this action has been terminated, Fed. R. Civ. P.
4 41(a)(1)(A)(ii); Wilson v. City of San Jose, 111 F.3d 688, 692 (9th Cir. 1997), and has been
5 dismissed as to Defendant B & S Dhillon, Inc., doing business as AJ’s Market, without
6 prejudice, and as to Defendants Richard P. Barbaccia and Eileen C. Barbaccia, Trustees under
7 the Barbaccia 1989 Revocable Trust dated May 18, 1989, with prejudice.

8 Accordingly, the Clerk of the Court is HEREBY DIRECTED to close the case and adjust
9 the docket to reflect voluntary dismissal of this action pursuant to Rule 41(a).

10 IT IS SO ORDERED.

11 Dated: **January 19, 2023**

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14 UNITED STATES MAGISTRATE JUDGE
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