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UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

CRIUS CORP,  
  
                                Plaintiff,  
  
                                v.  
  
HOME DEPOT, U.S.A., INC., et al.,  
  
                                Defendants.

Case No. 1:23-cv-01479-ADA-EPG  
  
ORDER RE: NOTICE OF VOLUNTARY  
DISMISSAL  
  
(ECF No. 9)

This matter is before the Court on Plaintiff’s notice of voluntary dismissal (ECF No. 9), which states that “[t]his action is dismissed by the Plaintiff(s) in its entirety,” and is made pursuant to Federal Rule of Civil Procedure 41(a)(1)(A)(i), as Defendants have not filed an answer or a motion for summary judgment.<sup>1</sup> In light of the voluntary dismissal, this action has been terminated, Fed. R. Civ. P. 41(a)(1)(A)(i), and has been dismissed. *See Wilson v. City of San Jose*, 111 F.3d 688, 692 (9th Cir. 1997).

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<sup>1</sup> The notice of voluntary dismissal does not specify whether the dismissal is with or without prejudice. The Court notes that Rule 41(a)(1)(B) provides as follows: “Unless the notice or stipulation states otherwise, the dismissal is without prejudice. But if the plaintiff previously dismissed any federal- or state-court action based on or including the same claim, a notice of dismissal operates as an adjudication on the merits.”

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Accordingly, the Clerk of Court is respectfully directed to close the case.

IT IS SO ORDERED.

Dated: November 13, 2023

/s/ Eric P. Groj  
UNITED STATES MAGISTRATE JUDGE