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IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

FRANK NOBLE JR. and
BRENDA D. NOBLE,

Plaintiffs,

No. CIV S-09-2168 MCE DAD PS

vs.

OCWEN LOAN SERVICING, LLC,

Defendant.

ORDER

_____ /

Plaintiffs, proceeding pro se with this action, have withdrawn their opposition to dismissal and have requested dismissal of the case.

After removing the action from state court on August 5, 2009, defendant filed a motion to dismiss. The motion was heard by the undersigned on October 2, 2009, and the hearing was continued to November 6, 2009, to allow plaintiffs additional time to file written opposition to defendant's motion. However, on October 6, 2009, plaintiffs filed a notice of voluntary dismissal. Defendant has not filed an answer or a motion for summary judgment. In the absence of an answer or a summary judgment motion, plaintiffs are entitled to voluntarily dismiss their action.

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1 Good cause appearing, IT IS HEREBY ORDERED that:

2 1. Plaintiffs' notice of voluntary dismissal (Doc. No. 15) shall be honored
3 pursuant to Federal Rule of Civil Procedure 41(a)(1)(A)(i).

4 2. This action shall be dismissed without prejudice.

5 3. Defendant's August 25, 2009 motion to dismiss (Doc. No. 5) is moot, and the
6 hearing set for November 6, 2009, is vacated.

7 4. The Clerk of the Court shall close the case.

8 DATED: October 13, 2009.

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11 _____
12 DALE A. DROZD
13 UNITED STATES MAGISTRATE JUDGE

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