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

BECKY LOPEZ,

Plaintiff,

No. 2:10-cv-01822 GEB KJN PS

v.

M.V. TRANSPORTATION
INCORPORATED,

Defendant.

ORDER

_____ /
On November 14, 2011, plaintiff filed a handwritten notice seeking to dismiss this action as a result of a settlement reached by the parties (Dkt. No. 39).¹ The notice does not indicate whether the desired dismissal should be with or without prejudice. Additionally, the notice is not signed by defendant’s counsel or representative.

Because defendant has already filed an answer in this case (Dkt. No. 19), plaintiff is not entitled to unilaterally dismiss this case without a court order pursuant to Federal Rule of Civil Procedure 41(a)(1)(A)(i). Moreover, plaintiff’s notice does not constitute a stipulation of dismissal pursuant to Federal Rule of Civil Procedure 41(a)(1)(A)(ii) because it is not signed by

_____ /
¹ This case proceeds before the undersigned pursuant to Eastern District of California Local Rule 302(c)(21) and 28 U.S.C. § 636(b)(1).

1 defendant. Accordingly, plaintiff must obtain a “court order, on terms that the court considers
2 proper,” in order to effect the voluntary dismissal of this action pursuant to Federal Rule of Civil
3 Procedure 41(a)(2). By this order, the undersigned directs defendant to respond to plaintiff’s
4 motion for dismissal of the action.

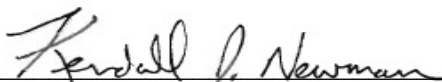
5 Accordingly, IT IS HEREBY ORDERED that:

6 1. Within 14 days of the date of this order, defendant shall file a response to
7 plaintiff’s request for voluntary dismissal of this action that indicates: (1) defendant’s view
8 regarding whether the dismissal should be with or without prejudice, and (2) whether defendant
9 seeks the imposition of any appropriate conditions on the dismissal sought by plaintiff. After
10 receiving defendant’s response, the undersigned will recommend the dismissal of this action on
11 proper terms.

12 2. Alternatively, within 14 days of the date of this order, the parties may file
13 a stipulation of dismissal as provided in Federal Rule of Civil Procedure 41(a)(1)(A)(ii), which
14 would effectuate the immediate dismissal of this case without a court order.

15 IT IS SO ORDERED.

16 DATED: November 15, 2011

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19 KENDALL J. NEWMAN
20 UNITED STATES MAGISTRATE JUDGE
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