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

FEDERAL NATIONAL MORTGAGE  
ASSOCIATION, ITS ASSIGNEES  
AND/OR SUCCESSORS,

Plaintiff,

No. CIV S-11-2385 JAM EFB PS

vs.

JOSE DEJESUS GONZALEZ, and  
DOES 1-10, inclusive,

Defendant(s).

ORDER


On September 13, 2011, the undersigned issued findings and recommendations herein, recommending that this action be remanded to Solano County Superior Court. Dckt. No. 3. However, on December 12, 2011, plaintiff filed a notice of voluntary dismissal of this action pursuant to Federal Rule of Civil Procedure 41(a).<sup>1</sup> Dckt. No. 4. In light of that dismissal, the

<sup>1</sup> The court construes the dismissal as a dismissal made pursuant to Federal Rule of Civil Procedure 41(a)(1)(A)(I), which deprives this court of jurisdiction over the action. *See* Fed. R. Civ. P. 41(a)(1)(A) (“[T]he 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 . . .”). Dismissal under this rule requires no action on the part of the court and divests the court of jurisdiction once the notice of voluntary dismissal is filed. *See, e.g., United States v. Real Property Located at 475 Martin Lane, Beverly Hills, CA*, 545 F.3d 1134, 1145 (9th Cir. 2008). Because it appears from the notice of removal and state court documents filed therewith that no answer or summary judgment motion has been filed in the case, plaintiff’s notice of

1 September 13, 2011 findings and recommendations are withdrawn, and the Clerk is directed to  
2 close the case.

3 SO ORDERED.

4 Dated: December 15, 2011.

  
EDMUND F. BRENNAN  
UNITED STATES MAGISTRATE JUDGE

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dismissal is effective without a court order.