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

AMANDA U. LEVY,

Plaintiff,

2:13-cv-00070-KJM-KJN-PS

v.

RYAN SEACREST PRODUCTIONS,  
et al.,

Defendants.

ORDER

\_\_\_\_\_  
Plaintiff Amanda U. Levy (“plaintiff”) is proceeding without counsel and in forma pauperis (“IFP”) pursuant to 28 U.S.C. § 1915.<sup>1</sup> (Order, Dkt. No. 4 (granting IFP status).)

On February 5, 2013, plaintiff filed a document styled as a “Motion to Dismiss” her own pleading. (“Motion to Dismiss,” Dkt. No. 6.) However, the undersigned construes this document as a Notice of Voluntary Dismissal pursuant to Federal Rule of Civil Procedure 41(a)(1)(A)(i).

Federal Rule of Civil Procedure 41(a)(1)(A) provides that “. . . the 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; or (ii) a stipulation of dismissal

<sup>1</sup> This proceeding was referred to the undersigned pursuant to Eastern District Local Rule 302(c)(21) and 28 U.S.C. § 636(b)(1).

1 signed by all parties who have appeared.” Voluntary dismissal under this rule requires no action  
2 on the part of the court and divests the court of jurisdiction upon the filing of the notice of  
3 voluntary dismissal. See, e.g., United States v. Real Property Located at 475 Martin Lane,  
4 Beverly Hills, CA, 545 F.3d 1134, 1145 (9th Cir. 2008) (describing consequences of voluntary  
5 dismissals pursuant to Federal Rule of Civil Procedure 41(a)(1)(A)).

6 In this case, no defendants have filed answers or motions for summary judgment;  
7 indeed, the undersigned previously issued Findings and Recommendations (“F&Rs”) urging that  
8 this case be dismissed without prejudice such that service of process has not been ordered upon  
9 any defendants. (F&Rs, Dkt. No. 4.) Those F&Rs are currently pending before the assigned  
10 district judge. (Id.)

11 However, given plaintiff’s desire to voluntarily dismiss her case (Dkt. No. 6), the  
12 undersigned vacates the F&Rs (Dkt. No. 4) currently pending before the assigned District Judge.  
13 Although plaintiff’s Notice of Voluntary Dismissal was effective upon filing and without a court  
14 order pursuant to Federal Rule of Civil Procedure 41(a)(1)(A)(i), for the sake of clarity, the  
15 undersigned instead orders that, in light of plaintiff’s Notice of Voluntary Dismissal (Dkt. No. 6),  
16 this case is deemed dismissed and the Clerk of the Court is directed to close this case and vacate  
17 all future dates.

18 Accordingly, IT IS HEREBY ORDERED that:

19 1. In light of plaintiff’s “Motion to Dismiss” (Dkt. No. 6), which the  
20 undersigned construes as a Notice of Voluntary Dismissal, the undersigned’s pending Findings  
21 and Recommendations (Dkt. No. 4) are hereby vacated.

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2. In light of plaintiff's Notice of Voluntary Dismissal (Dkt. No. 6), this case is deemed dismissed pursuant to Federal Rule of Civil Procedure 41(a)(1)(A)(i), and the Clerk of the Court is directed to close this case and vacate all future dates.

IT IS SO ORDERED.

DATED: February 21, 2013

  
KENDALL J. NEWMAN  
UNITED STATES MAGISTRATE JUDGE