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UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

PATRICK FAGUNDES,  
Plaintiff,  
v.  
JP MORGAN CHASE BANK, N.A., et al.,  
Defendants.

No. 2:13-cv-0797 TLN DAD PS

ORDER

On December 18, 2013, plaintiff filed a document entitled “NOTICE OF DISMISSAL . . . . under Federal Rule of Civil Procedure 41(a)(1)(A)(i)” resulting in the dismissal of this action without any further order from the court. (Dkt. No. 28.) Accordingly, this action was closed on January 6, 2014, pursuant to plaintiff’s notice of voluntary dismissal.

On October 16, 2014, plaintiff filed a “Motion to Vacate Voluntary Dismissal and Reinstate Civil Action.” (Dkt. No. 30.) That motion, however, is not noticed for hearing before the undersigned in violation of the Local Rules. Moreover, plaintiff’s motion to vacate fails to address why this court should vacate the previous order of dismissal and reinstate this action. See Nelson v. Napolitano, 657 F.3d 586, 589 (7th Cir. 2011) (relief from voluntary dismissal pursuant to “Rule 60(b) is an extraordinary remedy granted only in exceptional circumstances”); Schmier v. McDonald’s LLC, 569 F.3d 1240, 1243 (10 Cir. 2009) (same).

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Accordingly, IT IS HEREBY ORDERED that plaintiff's motion to vacate his notice of voluntary dismissal (Dkt. No. 30) is denied without prejudice.

Dated: November 5, 2014

  
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DALE A. DROZD  
UNITED STATES MAGISTRATE JUDGE

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