

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

BRIAN HAMMER,

Plaintiff,

v.

DEFENDERS SERVICE
OFFICE/FEDERAL DEFENDERS
EASTERN DISTRICT OF CALIFORNIA
– UNITED STATES OF AMERICA,

Defendant.

No. 2:16-cv-0738-KJM-KJN PS

ORDER

On April 15, 2016, plaintiff filed a notice of voluntary dismissal pursuant to Federal Rule of Civil Procedure 41(a)(1)(A)(i). (ECF No. 10.) 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 . . .” Fed. R. Civ. P. 41(a)(1)(A)(i); see also United States v. Real Property Located at 475 Martin Lane, Beverly Hills, CA, 545 F.3d 1134, 1145 (9th Cir. 2008) (noting that dismissal under Rule 41(a)(1)(A)(i) requires no action on the part of the court and divests the court of jurisdiction once the notice of voluntary dismissal is filed).

///
///

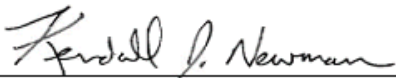
1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

Because defendant has not yet served an answer or motion for summary judgment in this case, plaintiff's request for dismissal is effective without a court order. Nevertheless, for purposes of clarity only, IT IS HEREBY ORDERED that:

1. This action is dismissed without prejudice pursuant to Federal Rule of Civil Procedure 41(a)(1)(A)(i).
2. All scheduled dates and deadlines are vacated.
3. The Clerk of Court shall close this case.

IT IS SO ORDERED.

Dated: April 21, 2016


KENDALL J. NEWMAN
UNITED STATES MAGISTRATE JUDGE