

United States District Court
Northern District of California

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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
EUREKA DIVISION

JESSE WARD,
Plaintiff,
v.
STEPHEN WRIGHT, et al.,
Defendants.

Case No. 15-cv-05627-RMI

ORDER

On January 9, 2019, Plaintiff filed a Notice of Voluntary Dismissal pursuant to Federal Rule of Civil Procedure 41(a)(1)(A)(i). (Doc. 1). Rule 41(a)(1)(A)(i) allows a plaintiff to voluntarily dismiss an action without court order by filing “a notice of dismissal before the opposing party serves either an answer or a motion for summary judgment.” In this case, Defendants have answered. Rule 41(a)(1)(A)(ii) allows a plaintiff to dismiss an action without court order even if it has been answered or a motion for summary judgment has been filed. However, that provision requires that the notice contain “a stipulation of dismissal signed by all parties who have appeared.” The current Notice is only signed by Plaintiff.

It appears then that Plaintiff intended to seek a court order of dismissal pursuant to Rule 41(a)(2), which provides that “an action may be dismissed at the plaintiff’s request only by court order, on terms that the court considers proper.” Knowing that the terms of Plaintiff’s request are based on the parties’ joint resolution of this matter, the court deems them proper.

Accordingly, it is ORDERED that this case is DISMISSED in its entirety with prejudice, with each side to bear its own costs and fees.

A separate judgment will issue.

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IT IS SO ORDERED.

Dated: January 11, 2019



ROBERT M. ILLMAN
United States Magistrate Judge