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United States District Court
Northern District of California

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

ALEXANDER A. LYKINS,

Plaintiff,

v.

GMAC MORTGAGE, LLC, et al.,

Defendants.

Case No.: C-12-04389 JSC

**ORDER DISCHARGING ORDER TO
SHOW CAUSE AND CLOSING CASE**

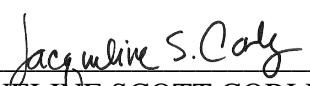
In light of Plaintiff’s notice of voluntary dismissal of this action pursuant to Federal Rule of Civil Procedure 41(a)(1)(A)(i), (Dkt. No. 41), the Court hereby discharges the Order to Show Cause, (Dkt. No. 39). Pursuant to Rule 41(a), a plaintiff may dismiss an action without a court order by filing “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 Wilson v. City of San Jose*, 111 F.3d 688, 692 (9th Cir. 1997) (“Under Rule 41(a)(1), a plaintiff has an absolute right to voluntarily dismiss his action prior to service by the defendant of an answer or a motion for summary judgment.”) Because no party has filed or served an answer or a motion for summary judgment,

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Plaintiff's notice of voluntary dismissal operates automatically as a dismissal of this action. The Court accordingly orders the Clerk to close this case.

IT IS SO ORDERED.

Dated: April 17, 2013



JACQUELINE SCOTT CORLEY
UNITED STATES MAGISTRATE JUDGE