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28UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

San Francisco Division

MARIA VAZQUEZ,

No. CV12-04583 LB

Plaintiff,

**ORDER DISMISSING CASE**

v.

DOUGLAS CATTICH, ET AL.,

Defendants.

Because this action has settled, Plaintiff filed a notice purporting to voluntarily dismiss this action with prejudice without a court order pursuant to Federal Rule of Civil Procedure 41(a)(1)(A)(I). See ECF Nos. [47] [53]. This is not allowed because, under Federal Rule of Civil Procedure 41(a)(1)(A)(I), a plaintiff may file such a notice only before the opposing party serves either an answer or a motion for summary judgment. Here, Defendants answered Plaintiff's complaint. See ECF No. [18]. Thus, to dismiss the action, the parties should have filed a stipulation to dismiss pursuant to Federal Rule of Civil Procedure 41(a)(1)(A)(ii). Under the circumstances, however, given that this action has settled, the court dismisses the action with prejudice under Federal Rule of Civil Procedure 41(a)(2).

**IT IS SO ORDERED.**

Dated: December 18, 2013

  
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LAUREL BEELER  
United States Magistrate JudgeORDER DISMISSING CASE  
CV12-04583 LB