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8 IN THE UNITED STATES DISTRICT COURT  
9 FOR THE NORTHERN DISTRICT OF CALIFORNIA  
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11 JOSE DANIEL CASTILLO-ANTONIO,

No. C-13-2326 MMC

12 Plaintiff,

**ORDER AFFORDING DEFENDANTS  
OPPORTUNITY TO RESPOND TO  
PLAINTIFF'S NOTICE OF VOLUNTARY  
DISMISSAL**

13 v.

14 KAOPOO SAEPHANH, et al.,

15 Defendants.  
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17 Before the Court is plaintiff's Notice of Voluntary Dismissal, filed September 16,  
18 2013, by which plaintiff gives notice he is dismissing his claims against defendants without  
19 prejudice.

20 Pursuant to the Federal Rules of Civil Procedure, a plaintiff may dismiss an action  
21 without a court order by filing notice of dismissal before a defendant has filed an answer or  
22 a motion for summary judgment. See Fed. R. Civ. P. 41(a)(1)(A)(i). Here, however, each  
23 of the three defendants named in the complaint has filed an answer. Consequently, in the  
24 absence of a stipulation signed by all defendants, see Fed. R. Civ. P. 41(a)(1)(A)(ii), the  
25 action may be dismissed "only by court order, on terms that the court considers proper,"  
26 see Fed. R. Civ. P. 41(a)(2).

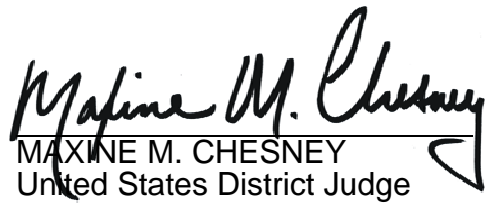
27 In the interests of judicial economy, the Court will construe plaintiff's Notice of  
28 Voluntary Dismissal as a motion to dismiss without prejudice his claims against

1 defendants, and will afford defendants an opportunity to response thereto.

2 Accordingly, defendants are hereby afforded leave to file, no later than October 9,  
3 2013, any response to plaintiff's request to dismiss without prejudice. As of October 9,  
4 2013, unless the parties are otherwise informed, the Court will take the matter under  
5 submission.

6 **IT IS SO ORDERED.**

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8 Dated: September 25, 2013

  
MAXINE M. CHESNEY  
United States District Judge