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

CHARLES A. HIGHSMITH,
Plaintiff,

No. C 16-02823 WHA

v.

**ORDER STRIKING NOTICE
OF VOLUNTARY DISMISSAL**

GEICO CASUALTY COMPANY, and
DOES 1-20,
Defendants.

Plaintiff filed a notice of voluntary dismissal pursuant to Rule 41(a)(1)(A)(i) (Dkt. No. 23). Pursuant to that rule, voluntary dismissal without a court order and without the stipulation of all parties who have appeared is only available “before the opposing party serves either an answer or a motion for summary judgment” Defendant has served an answer (Dkt. No. 16). Plaintiff’s notice of voluntary dismissal is accordingly **STRICKEN** as procedurally improper.

If plaintiff wishes to dismiss the action, he may do so by filing a motion pursuant to Rule 41(a)(2) or a stipulation joined by all parties who have appeared pursuant to Rule 41(a)(1)(A)(ii).

Dated: January 31, 2017.


WILLIAM ALSUP
UNITED STATES DISTRICT JUDGE