

1 UNITED STATES DISTRICT COURT  
2 FOR THE NORTHERN DISTRICT OF CALIFORNIA  
3 OAKLAND DIVISION  
4

5 CHARLOTTE CHAPMAN ALLYN,

6 Plaintiff,

7 vs.

8 METROPOLITAN LIFE INSURANCE  
9 COMPANY,

10 Defendants.

Case No: C 09-5671 SBA

**ORDER**

Docket 92, 94

11 On September 26, 2011, pro se Plaintiff Charolette Chapman Allyn (“Plaintiff”)   
12 filed a document entitled “Plaintiff’s Voluntary Dismissal.” Dkt. 92. On September 27,   
13 2011, Plaintiff filed a document entitled “Amended Plaintiff’s Voluntary Dismissal.” Dkt.   
14 94. Under Federal Rule of Civil Procedure 41, a Court order is required to dismiss the   
15 plaintiff’s action, unless the defendant has not answered or filed for summary judgment or   
16 unless all parties file a stipulation seeking dismissal. Fed. R. Civ. P. 41(a)(1)&(2).   
17 Defendant Metropolitan Life Insurance Company (“Defendant”) has answered and filed for   
18 summary judgment. Dkt. 62, 80. Plaintiff has not filed a stipulation of dismissal signed by   
19 Defendant.

20 As a result, on September 30, 2011, the Court issued an order requiring Defendant to   
21 file a memorandum stating whether it opposes Plaintiff’s request for voluntary dismissal   
22 with prejudice. Dkt. 95. On October 6, 2011, Defendant filed a notice of non-opposition   
23 regarding Plaintiff’s request for voluntary dismissal with prejudice. Dkt. 98. In the notice,   
24 Defendant states that it disputes Plaintiff’s characterizations of the events contained in her   
25 voluntary dismissal and amended voluntary dismissal, but does not oppose dismissal with   
26 prejudice. Accordingly,   
27   
28

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

IT IS HEREBY ORDERED THAT this action is dismissed with prejudice. The Clerk shall close the file and terminate all pending matters and deadlines.

IT IS SO ORDERED.

Dated: October 7, 2011

  
\_\_\_\_\_  
SAUNDRA BROWN ARMSTRONG  
United States District Judge

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

UNITED STATES DISTRICT COURT  
FOR THE  
NORTHERN DISTRICT OF CALIFORNIA

CHARLOTTE CHAPMAN ALLYN,  
Plaintiff,

v.

METROPOLITAN LIFE INSURANCE et al,  
Defendant.

\_\_\_\_\_ /

Case Number: CV09-05671 SBA

**CERTIFICATE OF SERVICE**

I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S. District Court, Northern District of California.

That on October 12, 2011, I SERVED a true and correct copy(ies) of the attached, by placing said copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing said envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery receptacle located in the Clerk's office.

Charlotte Chapman Allyn  
P.O. Box 2026  
Napa, CA 94558

Dated: October 12, 2011

Richard W. Wieking, Clerk

By: LISA R CLARK, Deputy Clerk