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UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

J & J SPORTS PRODUCTIONS, INC.,

Plaintiff,

vs.

ULISES CONSTANTINO NAPURI,
individually and d/b/a INCAS GRILL,

Defendant.

Case No: C 10-04171 SBA

ORDER

Docket 39

On January 16, 2013, Plaintiff filed a motion to dismiss under Rule 41(a)(2) of the Federal Rules of Civil Procedure seeking to dismiss its fourth claim for violation of Business & Professions Code § 17200 et seq. ("UCL"). Dkt. 39. However, Rule 41(a) governs dismissal of entire actions, not of individual claims. See Hells Canyon Preservation Council v. U.S. Forest Serv., 403 F.3d 683, 687-688 (9th Cir. 2005). Withdrawals of individual claims against a given defendant are governed by Rule 15 of the Federal Rules of Civil Procedure, which addresses amendments to pleadings. See id. (Rule 15 is the appropriate mechanism where a plaintiff desires to eliminate one or more but less than all of several claims); see also Gen. Signal Corp. v. MCI Telecomms. Corp., 66 F.3d 1500, 1513 (9th Cir. 1995) ("[W]e have held that Rule 15, not Rule 41, governs the situation when a party dismisses some, but not all, of its claims."). Accordingly, the Court construes Plaintiff's motion as a motion to withdraw its UCL claim under Rule 15. Having read and considered Plaintiff's motion, the Court hereby GRANTS the motion. This Order terminates Docket 39.

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IT IS SO ORDERED.

Dated: 1/17/13


SAUNDRA BROWN ARMSTRONG
United States District Judge