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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

FRANCISCA MORALEZ,  
Plaintiff,  
v.  
NASSER S.M. ALTUHAIF, et al.,  
Defendants.

Case No. 16-cv-00647-DMR

**ORDER RE: NOTICE OF VOLUNTARY  
DISMISSAL**

Re: Dkt. No. 17

On June 28, 2016, Plaintiff Francisca Morales filed a notice of voluntary dismissal purporting to dismiss the lawsuit pursuant to Federal Rule of Civil Procedure 41(a)(1)(A)(i). [Docket No. 17.]

However, dismissal by a Plaintiff under Rule 41(a)(1)(A)(i) is only proper where the notice of dismissal is filed prior to the opposing party serving an answer or motion for summary judgment. Fed. R. Civ. P. 41(a)(1)(A)(i). In the present case, Defendant Badr A. Sanane filed an answer. [Docket No. 11.] The other defendants in this case have not appeared.

Therefore, Plaintiff may dismiss the case under Federal Rule of Civil Procedure 41(a)(1)(A)(ii) by filing a stipulation of dismissal signed by all parties who have appeared. To dismiss the case, Plaintiff is instructed to file a stipulation of dismissal signed by Defendant Badr A. Sanane. Plaintiff is instructed to make best efforts to file the stipulation of dismissal by July 15, 2016.

**IT IS SO ORDERED.**

Dated: July 1, 2016



Donna M. Ryu  
United States Magistrate Judge