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**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA**

**KEVIN C. DOWNS,**  
Plaintiff,

vs.

**CYCLEUROPE U.S.A., INC. DOING BUSINESS  
AS BIANCHI USA,**  
Defendant.

CASE NO. 21-cv-04795-YGR

**ORDER STRIKING NOTICE OF VOLUNTARY  
DISMISSAL**

Re: Dkt. No. 25

Plaintiff filed a notice of voluntary dismissal pursuant to Rule 41(a)(1)(A)(i). (Dkt. No. 25.) 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 amended answer (Dkt. No. 19.) 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 request pursuant to Rule 41(a)(2) or a stipulation joined by all parties who have appeared pursuant to Rule 41(a)(1)(A)(ii).

**IT IS SO ORDERED.**

Dated: November 18, 2021



**YVONNE GONZALEZ ROGERS  
UNITED STATES DISTRICT COURT JUDGE**

United States District Court  
Northern District of California