

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

BRUCE GIAC TRUONG BANH; and
LEHANG PHAM,

Plaintiffs,

v.

U.S. BANK, N.A.; and MORTGAGE
ELECTRONIC REGISTRATION SYSTEMS,
INC.,

Defendants.

CASE NO.: 12-CV-01446-LHK

ORDER DISMISSING ACTION

On July 24, 2012, Plaintiffs filed a notice of dismissal. Pursuant to Federal Rule of Civil Procedure 41(a), a plaintiff may dismiss an action without a court order by filing “a notice of dismissal before the opposing party serves either an answer or a motion for summary judgment.” Fed. R. Civ. P. 41(a)(1)(A)(i); *see also Wilson v. City of San Jose*, 111 F.3d 688, 692 (9th Cir. 1997) (“The dismissal is effective on filing [of a notice of dismissal] and no court order is required.”). Here, Defendants have served neither an answer nor a motion for summary judgment. Accordingly, this action is dismissed without prejudice. All parties shall bear their own costs and fees. The Clerk shall close the file.

IT IS SO ORDERED.

Dated: July 24, 2012



LUCY H. KOH
United States District Judge