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8 **UNITED STATES DISTRICT COURT**  
9 **SOUTHERN DISTRICT OF CALIFORNIA**  
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11 JAIRO CERVANTES, *et al.*,

12 Plaintiffs,

13 v.

14 SHELLEY ZIMMERMAN, *et al.*.

15 Defendants.

Case No. 17-cv-1230-BAS-AHG

**ORDER GRANTING JOINT  
MOTION TO DISMISS (ECF No. 198)**

16  
17 The parties have jointly moved pursuant to Federal Rule of Civil Procedure (“Rule”)  
18 41(a)(1)(A)(ii) to dismiss this action with prejudice. (Joint Mot., ECF No. 198.) In support  
19 of their Joint Motion, the parties filed a stipulation of dismissal, signed by all parties who  
20 have appeared. (*See id.*)


21 Under Rule 41(a)(1)(A), a plaintiff has an absolute right to voluntarily dismiss its  
22 action by (1) filing a notice of voluntary dismissal before a defendant has filed an answer  
23 or moved for summary judgment, *or* (2) filing a stipulation of dismissal signed by all  
24 parties who have appeared. Fed. R. Civ. P. 41(a)(1)(A); *see also Wilson v. City of San*  
25 *Jose*, 111 F.3d 688, 692 (9th Cir. 1997). Dismissal is effective upon the filing of a  
26 compliant notice or stipulation, as described in Rule 41(a)(1)(A), and no court order is  
27 required. *Stone v. Woodford*, No. CIV-F-05-845 AWI-DLB, 2007 WL 527766 (E.D. Cal.  
28 Feb. 16, 2007). A dismissal is without prejudice unless the parties stipulate otherwise.

1 Fed. R. Civ. P. 41(a)(1)(B). However, the local civil rules of this district require that where,  
2 as here, litigants seek voluntary dismissal by filing a signed stipulation pursuant to Rule  
3 41(a)(1)(A)(ii), such a stipulation must be filed as a joint motion.<sup>1</sup>

4 Having considered the parties' request, the Court **GRANTS** the Joint Motion. (ECF  
5 No. 198.) Thus, the Court **DISMISSES WITH PREJUDICE** the action. Each party shall  
6 bear its own costs and fees. The Clerk of Court is directed to close the case.

7 **IT IS SO ORDERED.**

8 **DATED: March 8, 2022**

  
**Hon. Cynthia Bashant**  
**United States District Judge**

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<sup>1</sup> See Electronic Case Filing Administrative Policies and Procedures Manual, United States District Court for the Southern District of California.