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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

MISSION GATHERING CHRISTIAN
CHURCH,

Plaintiff,

v.

CITY OF SAN DIEGO,

Defendant.

Case No.: 19cv1967 JM (KSC)

**ORDER ON NOTICE OF
VOLUNTARY DISMISSAL WITH
PREJUDICE**

Plaintiff Mission Gathering Christian Church (“Plaintiff”) requests that the court dismiss the entirety of its Complaint with prejudice. (Doc. No. 21.) Plaintiff styles the request as one brought under Federal Rule of Civil Procedure 41(a)(1)(A)(i), under which a plaintiff may file a notice of dismissal with the court before the defendant serves an answer or motion for summary judgment, whichever comes first. *See Wilson v. City of San Jose*, 111 F.3d 688, 692 (9th Cir. 1997) (“Once the defendant serves an answer or a motion for summary judgment . . . the plaintiff may no longer voluntarily dismiss under Rule 41(a)(1), but must file a motion for voluntary dismissal under Rule 41(a)(2).”). The court will nonetheless interpret the request to dismiss as one brought under Rule 41(a)(2). The

1 request is **GRANTED**. The case is **DISMISSED** with prejudice. The Clerk of the Court
2 is directed close the case.

3 IT IS SO ORDERED.

4 DATED: April 1, 2021


JEFFREY T. MILLER
United States District Judge

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