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**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA**

MATTHEW ALLISON,

Plaintiff,

v.

WELLS FARGO BANK, N.A.,

Defendant.

Case No. 22-cv-0510-BAS-AHG

**ORDER GRANTING JOINT
MOTION TO DISMISS WITH
PREJUDICE (ECF No. 17)**

Pending before the Court is the parties’ joint motion pursuant to Federal Rule of Civil Procedure (“Rule”) 41(a)(1)(A)(ii) to dismiss the above-captioned action. (Joint Mot., ECF No. 17.)

Under Rule 41(a)(1), a plaintiff has an absolute right to voluntarily dismiss its action by (1) filing a notice of voluntary dismissal before a defendant has filed an answer or moved for summary judgment, *or* (2) filing a stipulation of dismissal signed by all parties who have appeared. Fed. R. Civ. P. 41(a)(1)(A); *see also Wilson v. City of San Jose*, 111 F.3d 688, 692 (9th Cir. 1997). Dismissal is effective upon the filing of a compliant notice or stipulation, as described in Rule 41(a)(1)(A), and no court order is required. *Stone v. Woodford*, No. CIV-F-05-845 AWI-DLB, 2007 WL 527766 (E.D. Cal. Feb. 16, 2007). However, the local civil rules of this district require that where, as here, litigants seek

1 voluntary dismissal pursuant to stipulation, in accordance with Rule 41(a)(1)(A)(ii), the
2 stipulation of dismissal must be filed as a joint motion. *See* CivLR 7.2.

3 Having considered the parties' submission, the Court **GRANTS** the Joint Motion.
4 (ECF No. 17.) Thus, the Court **DISMISSES WITH PREJUDICE** the action against
5 Defendant. Each party shall bear its own costs and attorney fees. The Clerk of Court is
6 directed to close the case.

7 **IT IS SO ORDERED.**

8
9 **DATED: January 18, 2023**


Hon. Cynthia Bashant
United States District Judge