



**(PC) Herman D. Shead v. Vang et al**

2016 | Cited 0 times | E.D. California | February 24, 2016

UNITED STATES DISTRICT COURT EASTERN DISTRICT OF CALIFORNIA

On February 23, 2016, the parties filed a stipulation for dismissal of this action with prejudice. See Doc. No. 134. The stipulation is made pursuant to Federal Rule of Civil Procedure 41(a)(1)(A)(ii). See *id.*

Rule 41(a)(1), in relevant part, reads:

(A) . . . the plaintiff may dismiss an action without a court order by filing: (i) a notice of dismissal before the opposing party serves either an answer or a motion for summary judgment; or (ii) a stipulation of dismissal signed by all parties who have appeared. . . . (B) Unless the notice or stipulation states otherwise, the dismissal is without prejudice. Dismissals under Rule 41(a)(1)(A), when properly filed, are effective immediately and do not require a court order/court approval. See Fed. R. Civ. P. 41(a)(1); *Yesh Music v. Lakewood Church*, 727 F.3d 356, 362 (5th Cir. 2013); *Commercial Space Mgmt. Co. v. Boeing Co.*, 193 F.3d HERMAN D. SHEAD,

Plaintiff, v. C/O VANG,

Defendant.

CASE NO. 1:09-CV-006 AWI SKO (PC)

ORDER CLOSING CASE IN LIGHT OF STIPULATION FOR DISMISSAL WITH PREJUDICE

(Doc. No. 134) 1074, 1077 (9th Cir. 1999); *Wilson v. City of San Jose*, 111 F.3d 688, 692 (9th Cir. 1997); *In re Wolf*, 842 F.2d 464, 466 (D.C. Cir. 1989).

Here, all remaining parties who have appeared in this case have signed the stipulated dismissal. Because all parties have signed the stipulated dismissal with prejudice, this case has terminated automatically. See *id.*

Therefore, IT IS HEREBY ORDERED that the Clerk shall CLOSE this case in light of the operly filed and signed Rule 41(a)(1)(A)(ii) Stipulation Of Dismissal With Prejudice.

IT IS SO ORDERED. Dated: February 24, 2016 SENIOR DISTRICT JUDGE

