



Curiel v. Fresno Credit Bureau et al

2015 | Cited 0 times | E.D. California | September 10, 2015

UNITED STATES DISTRICT COURT EASTERN DISTRICT OF CALIFORNIA

On September 10, 2015, the parties filed a motion to dismiss this action with prejudice. See Doc. No. 16. The Court views this motion as a stipulation for dismissal of this case with prejudice pursuant to Federal Rule of Civil Procedure 41(a)(1)(A)(ii).

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 MONIQUE CURIEL,

Plaintiff, v. FRESNO CREDIT BUREAU, and THE LAW OFFICE OF JOHN D. SUHR,
Defendants.

CASE NO. 1:15-CV-580 AWI GSA

ORDER CLOSING CASE IN LIGHT OF STIPULATION FOR DISMISSAL WITH PREJUDICE

(Doc. No. 16) 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 parties who have appeared in this case 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: 1. The Clerk shall CLOSE this case in light of the filed and signed Rule

41(a)(1)(A)(ii) Stipulation Of Dismissal With Prejudice; and 2. The September 10, 2015 motion to dismiss (Doc. No. 16) is DENIED as unnecessary in



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light of the automatic nature of a Rule 41(a)(1) stipulated dismissal.

IT IS SO ORDERED. Dated: September 10, 2015 SENIOR DISTRICT JUDGE

