

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA

Courthouse News Service v. Toste

No. 1:21-cv-01790-ADA-SAB (E.D. Cal. Mar. 3, 2023) · No. 1:21-cv-01790-ADA-SAB · Decided March 3,
2023

OPINION

Courthouse News Service v. Toste

PER CURIAM.

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UNITED STATES DISTRICT COURT

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EASTERN DISTRICT OF CALIFORNIA

10 11 COURTHOUSE NEWS SERVICE, Case No. 1:21-cv-01790-ADA-SAB 12 Plaintiff,

AMENDED ORDER DIRECTING THE

CLERK OF THE COURT TO TERMINATE

13 v. AMANDA TOSTE AS A DEFENDANT IN

THIS ACTION

14 AMANDA TOSTE, et al., (ECF No. 31) 15 Defendants. 16 17 On March 1, 2023, the parties
filed a stipulated dismissal pursuant to Federal Rule of Civil

18 Procedure 41(a) as to the dismissal of Defendant Amanda Toste, in her official capacity as
court

19 executive officer/clerk of the Merced County Superior Court. (ECF No. 31.) The dismissal of
20 this Defendant is with prejudice. (Id.) The claims against the other named Defendants are not
21 subject to the stipulation and will remain active. (Id.)

22 Rule 41(a) of the Federal Rules of Civil Procedure allows a party to dismiss some or all of
23 the defendants in an action through a Rule 41(a) notice. *Wilson v. City of San Jose*, 111 F.3d 24
688, 692 (9th Cir. 1997); see also *Concha v. London*, 62 F.3d 1493, 1506 (9th Cir. 1995) (“The 25
plaintiff may dismiss either some or all of the defendants—or some or all of his claims—through
26 a Rule 41(a)(1) notice.”); *Hells Canyon Pres. Council v. U.S. Forest Serv.*, 403 F.3d 683, 687
27 (9th Cir. 2005) (The Ninth Circuit has “only extended the rule to allow the dismissal of all
claims against one defendant, so that a defendant may be dismissed from the entire action.”).
“Filing a 1] notice of voluntary dismissal with the court automatically terminates the action as to
the 2 defendants who are the subjects of the notice.” *Concha*, 62 F.3d at 1506. 3 Accordingly, the
Clerk of the Court is DIRECTED to terminate Defendant Amanda Toste 4| asa defendant in this
action. 5

6 IT IS SO ORDERED. DAA Le

7 | Dated: _March 3, 2023 _

UNITED STATES MAGISTRATE JUDGE

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