

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF  
CALIFORNIA

Jose Escobedo v. Irma Pimentel d/b/a Marisocos El Tarasco, et al.

Escobedo · No. 1:25-cv-00692-SAB · Decided September 18, 2025

SUMMARY

The United States District Court for the Eastern District of California directs the Clerk of Court to close the case and adjust the docket to reflect the plaintiff’s voluntary dismissal with prejudice under Federal Rule of Civil Procedure 41(a)(1)(A)(i). The court explains that the dismissal was effective upon filing because no defendant had filed an answer or motion for summary judgment.

CASE DETAILS

|                       |                                                                                                                                     |
|-----------------------|-------------------------------------------------------------------------------------------------------------------------------------|
| COURT                 | United States District Court for the Eastern District of California                                                                 |
| WRITING FOR THE COURT | Stanley A. Boone                                                                                                                    |
| JURISDICTION          | United States District Court for the Eastern District of California                                                                 |
| DECIDED               | September 18, 2025                                                                                                                  |
| DOCKET                | 1:25-cv-00692-SAB                                                                                                                   |
| DISPOSITION           | dismissed                                                                                                                           |
| PROCEDURAL POSTURE    | Plaintiff voluntarily dismissed the entire action with prejudice before any defendant filed an answer or other responsive pleading. |
| PRECEDENTIAL VALUE    | Unpublished district court order; precedential status not specified in the source.                                                  |

TOPICS

civil procedure

PRACTICE AREAS

civil procedure

QUESTIONS PRESENTED

- Whether the clerk should close the case and adjust the docket after Plaintiff filed a notice of voluntary dismissal under Federal Rule of Civil Procedure 41(a)(1)(A)(i) before service of an answer or motion for summary judgment.

**HOLDINGS**

1. A plaintiff has an absolute right to voluntarily dismiss an action before the defendant serves an answer or a motion for summary judgment, and the dismissal is effective upon filing without a court order.

**KEY QUOTATIONS**

“ “[A] dismissal under Rule 41(a)(1) is effective on filing, no court order is required, the parties are left as though no action had been brought, the defendant can’t complain, and the district court lacks jurisdiction to do anything about it.” ” (at 1)

**FACTUAL BACKGROUND**

The action was pending in the Eastern District of California. Plaintiff filed a notice voluntarily dismissing the entire action with prejudice, and no defendant had filed an answer or other responsive pleading.

**PROCEDURAL HISTORY**

On September 18, 2025, Plaintiff filed a notice of voluntary dismissal of the entire action with prejudice under Federal Rule of Civil Procedure 41(a)(1)(A)(i). The court directed the clerk to close the case and adjust the docket to reflect the voluntary dismissal.

**DISPOSITION**

dismissed

**CASES CITED**

- Commercial Space Mgmt. Co., Inc. v. Boeing Co., Inc., 193 F.3d 1074, 1077-1078 (9th Cir. 1999)
- Wilson v. City of San Jose, 111 F.3d 688, 692 (9th Cir. 1997)

**OPINION**

Escobedo

PER CURIAM.

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UNITED STATES DISTRICT COURT

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9 EASTERN DISTRICT OF CALIFORNIA

10 JOSE ESCOBEDO, Case No. 1:25-cv-00692-SAB 11 Plaintiff, ORDER DIRECTING CLERK  
OF COURT

12 TO CLOSE CASE AND ADJUST DOCKET

v. TO REFLECT VOLUNTARY DISMISSAL

13

IRMA PIMENTEL d/b/a MARISOCOS EL (ECF No. 13)

14 TARASCO, et al., 15 Defendants. 16 17 On September 18, 2025, Plaintiff filed a notice of  
voluntary dismissal of the entire action 18 with prejudice pursuant to Rule 41(a)(1)(A)(i) of the  
Federal Rules of Civil Procedure. (ECF No. 19 13.) 20 “[U]nder Rule 41(a)(1)(i), ‘a plaintiff has  
an absolute right to voluntarily dismiss his action 21 prior to service by the defendant of an answer  
or a motion for summary judgment.’” Commercial 22 Space Mgmt. Co., Inc. v. Boeing Co., Inc.,  
193 F.3d 1074, 1077 (9th Cir. 1999) (quoting Wilson 23 v. City of San Jose, 111 F.3d 688, 692 (9th  
Cir. 1997)). “[A] dismissal under Rule 41(a)(1) is 24 effective on filing, no court order is required,  
the parties are left as though no action had been 25 brought, the defendant can’t complain, and the  
district court lacks jurisdiction to do anything 26 about it.” Commercial Space Mgmt. Co., Inc.,  
193 F.3d at 1078. In this action, no defendant has 27 filed an answer or other responsive pleading.  
1 Accordingly, the Clerk of the Court is HEREBY ORDERED to CLOSE the file in this case 2  
adjust the docket to reflect voluntary dismissal of this action pursuant to Rule 41(a)(1). 3

4 T IS SO ORDERED. FA. Se

5 Dated: \_ September 18, 2025 "

STANLEY A. BOONE

6 United States Magistrate Judge 4 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28