

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PRECEDENTIAL VALUE	Unpublished district court order; precedential status not specified in the source.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)