

**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

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

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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

