

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA

Diamonte Jerome McGhee v. Lorenzo Castrejon, et al.

McGhee v. Castrejon · No. 1:25-cv-01024-KES-SAB · Decided November 4, 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 without 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, other responsive pleading, 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	November 4, 2025
DOCKET	1:25-cv-01024-KES-SAB
DISPOSITION	dismissed
PROCEDURAL POSTURE	Plaintiff voluntarily dismissed the entire action without prejudice under Federal Rule of Civil Procedure 41(a)(1)(A)(i), and the court directed the clerk to close the case and adjust the docket.
PRECEDENTIAL VALUE	Nonprecedential district court order
PARTIES	Diamonte Jerome McGhee v. Lorenzo Castrejon, et al.

TOPICS

civil procedure

PRACTICE AREAS

civil procedureprisoner civil rights

QUESTIONS PRESENTED

1. Whether Plaintiff's notice of voluntary dismissal was effective under Federal Rule of Civil Procedure 41(a)(1)(A)(i) before any defendant filed an answer or motion for summary judgment.
2. Whether the clerk should close the case and adjust the docket to reflect the voluntary dismissal.

HOLDINGS

1. A plaintiff has an absolute right to voluntarily dismiss an action before the defendant serves an answer or motion for summary judgment, and the dismissal is effective upon filing without a court order.
2. The clerk was directed to close the file and adjust the docket to reflect the voluntary dismissal under Rule 41(a)(1).

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." (1)

FACTUAL BACKGROUND

Plaintiff filed this civil action against Lorenzo Castrejon and other defendants. Before any defendant filed an answer, other responsive pleading, or motion for summary judgment, Plaintiff filed a notice voluntarily dismissing the entire action without prejudice.

PROCEDURAL HISTORY

On November 3, 2025, Plaintiff filed a notice of voluntary dismissal of the entire action without prejudice. No defendant had filed an answer, other responsive pleading, or motion for summary judgment. The court ordered the clerk to close the case and reflect the voluntary dismissal.

DISPOSITION

dismissed

CASES CITED

- Commercial Space Mgmt. Co., Inc. v. Boeing Co., Inc., 193 F.3d 1074, 1077-78 (9th Cir. 1999)
- Wilson v. City of San Jose, 111 F.3d 688, 692 (9th Cir. 1997)

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