

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PRECEDENTIAL VALUE	Nonprecedential district court order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)

OPINION

1 2 3 4 5 6 7 UNITED STATES DISTRICT COURT 8 9 EASTERN DISTRICT OF
CALIFORNIA 10 DIAMONTE JEROME MCGHEE Case No. 1:25-cv-01024-KES-SAB 11
Plaintiff, ORDER DIRECTING CLERK OF COURT 12 TO CLOSE CASE AND ADJUST
DOCKET v. TO REFLECT VOLUNTARY DISMISSAL 13 LORENZO CASTREJON, et al.,
(ECF No. 18) 14 Defendants. 15 16 On November 3, 2025, Plaintiff filed a notice of voluntary

dismissal of the entire action 17 without prejudice pursuant to Rule 41(a)(1)(A)(i) of the Federal Rules of Civil Procedure.

(ECF 18 No. 17.) 19 “[U]nder Rule 41(a)(1)(i), ‘a plaintiff has an absolute right to voluntarily dismiss his action 20 prior to service by the defendant of an answer or a motion for summary judgment.’” Commercial 21 Space Mgmt. Co., Inc. v. Boeing Co., Inc., 193 F.3d 1074, 1077 (9th Cir. 1999) (quoting Wilson 22 v. City of San Jose, 111 F.3d 688, 692 (9th Cir.

1997)). “[A] dismissal under Rule 41(a)(1) is 23 effective on filing, no court order is required, the parties are left as though no action had been 24 brought, the defendant can’t complain, and the district court lacks jurisdiction to do anything 25 about it.” Commercial Space Mgmt. Co., Inc., 193 F.3d at 1078.

In this action, no defendant has 26 filed an answer, other responsive pleading, or motion for summary judgment. 27 / / / 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: _ November 4, 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