

**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

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