

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA

Moland v. Bank of America, N.A.

Moland · No. 1:25-cv-00380-JLT-SAB · Decided July 10, 2025

SUMMARY

The United States District Court for the Eastern District of California addresses Plaintiff’s notice of voluntary dismissal under Federal Rule of Civil Procedure 41(a)(1). The court directs the Clerk to adjust the docket to reflect the dismissal without prejudice, vacates pending dates, and terminates pending matters.

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	July 10, 2025
DOCKET	1:25-cv-00380-JLT-SAB
DISPOSITION	dismissed
PROCEDURAL POSTURE	Plaintiff filed a notice of voluntary dismissal without prejudice after defendant filed a motion to dismiss but before defendant filed an answer or a motion for summary judgment.
PRECEDENTIAL VALUE	Unknown; district court order with no reported citation
PARTIES	Carneshia Moland v. Bank of America, N.A.

TOPICS

- [civil procedure](#) [motions to dismiss](#) [pleadings](#) [class actions](#)

PRACTICE AREAS

- [civil procedure](#) [remedies](#)

QUESTIONS PRESENTED

- Whether plaintiff could voluntarily dismiss the action without a court order after defendant had filed a motion to dismiss but had not filed an answer or a motion for summary judgment.

2. Whether the clerk should adjust the docket to reflect the voluntary dismissal and close the case.

HOLDINGS

1. A plaintiff may voluntarily dismiss an action without a court order under Rule 41(a)(1)(A)(i) when the defendant has not served an answer or a motion for summary judgment; the filing of a motion to dismiss does not prevent the voluntary dismissal.
2. The notice of voluntary dismissal was effective upon filing, and the court directed the clerk to reflect the dismissal, vacate all pending dates, terminate pending matters, and close the case.

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.” (1-2)

FACTUAL BACKGROUND

Carneshia Moland filed an action against Bank of America, N.A., including claims asserted individually and on behalf of unnamed class members. Although the defendant filed a motion to dismiss, it had not filed an answer or a motion for summary judgment. Plaintiff therefore filed a notice of voluntary dismissal without prejudice under Federal Rule of Civil Procedure 41(a)(1).

PROCEDURAL HISTORY

Plaintiff commenced the action on April 1, 2025. Defendant filed a motion to dismiss on June 13, 2025, and the court later allowed plaintiff to file a first amended complaint. Instead, plaintiff filed a notice of voluntary dismissal without prejudice on July 9, 2025. The court directed the clerk to close the case, vacate pending dates, and terminate pending matters.

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)
- Pedrina v. Chun, 987 F.2d 608, 609 (9th Cir. 1993)
- Concha v. London, 62 F.3d 1493, 1506 (9th Cir. 1995)

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