

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

OPINION

Moland v. Bank of America, N.A.

PER CURIAM.

1 2 3 4 5 6

UNITED STATES DISTRICT COURT

7

8 EASTERN DISTRICT OF CALIFORNIA

9 CARNESHIA MOLAND, Case No. 1:25-cv-00380-JLT-SAB 10 Plaintiff, ORDER
DIRECTING CLERK OF COURT

11 TO CLOSE CASE AND ADJUST DOCKET

v. TO REFLECT VOLUNTARY DISMISSAL

12 PURSUANT TO RULE 41(a) OF THE

BANK OF AMERICA, N.A., FEDERAL RULES OF CIVIL PROCEDURE

13 Defendant. (ECF No. 18) 14 15 Plaintiff commenced this action on April 1, 2025. (ECF No. 1.)

On June 13, 2025, 16 Defendant filed a motion to dismiss. (ECF No. 13.) On June 30, 2025, the

Court entered the 17 parties' stipulation to allow Plaintiff to file a first amended complaint

pursuant to Rule 15(a) no 18 later than July 11, 2025. (ECF Nos. 16, 17.) On July 9, 2025,

Plaintiff instead filed a notice of 19 voluntary dismissal without prejudice as to Plaintiff

individually and any unnamed member of 20 the alleged class. (ECF No. 18.) 21 Under Rule

41(a)(1)(A)(i) of the Federal Rules of Civil Procedure, 'a plaintiff has an 22 absolute right to

voluntarily dismiss his action prior to service by the defendant of an answer or a 23 motion for

summary judgment.' ” Commercial Space Mgmt. Co., Inc. v. Boeing Co., Inc., 193 24 F.3d 1074,

1077 (9th Cir. 1999) (quoting Wilson v. City of San Jose, 111 F.3d 688, 692 (9th Cir. 25 1997)).

The Ninth Circuit has held that Rule 41(a) allows a plaintiff to dismiss without a court 26 order

any defendant who has yet to serve an answer or motion for summary judgment. Pedrina 27 v.

Chun, 987 F.2d 608, 609 (9th Cir. 1993); see also Concha v. London, 62 F.3d 1493, 1506 (9th Cir.

1995) (“Even if the defendant has filed a motion to dismiss, the plaintiff may terminate his 1 |

action voluntarily by filing a notice of dismissal under Rule 41(a)(1).”). “[A] dismissal under 2 |

Rule 41(a)(1) is effective on filing, no court order is required, the parties are left as though no 3 |

action had been brought, the defendant can't complain, and the district court lacks jurisdiction to 4 |

do anything about it.” Commercial Space Mgmt. Co., Inc., 193 F.3d at 1078. Accordingly, as 5 |

no answer or motion for summary judgment has been filed, the notice of voluntary dismissal is 6 | effective under Rule 41(a){1). 7 Accordingly, the Clerk of the Court is HEREBY DIRECTED to adjust the docket to 8 | reflect voluntary dismissal of this action pursuant to Rule 41(a). It HEREBY ORDERED that all 9 | pending dates are vacated, and all pending matters are terminated. 10

i IT IS SO ORDERED. DAM Le

12 | Dated: _July 10, 2025 _ Oe

STANLEY A. BOONE

13 United States Magistrate Judge 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28