

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA

Granada v. TD Bank USA, N.A.

Granada · No. 1:25-cv-00200-KES-SAB · Decided April 3, 2025

SUMMARY

The United States District Court for the Eastern District of California directs the Clerk to terminate TransUnion, LLC as a defendant after Plaintiff filed a notice of dismissal with prejudice under Federal Rule of Civil Procedure 41(a)(1)(A)(i). The court explains that dismissal was effective upon filing because TransUnion had not served an answer or a motion for summary judgment.

OPINION

1 2 3 4 5 6 7 8 UNITED STATES DISTRICT COURT 9 EASTERN DISTRICT OF
CALIFORNIA 10 11 NOIDA GRANADA, Case No. 1:25-cv-00200-KES-SAB 12 Plaintiff,
ORDER DIRECTING THE CLERK OF THE COURT TO TERMINATE TRANSUNION, 13 v.
LLC AS A DEFENDANT IN THIS ACTION 14 TD BANK USA, N.A., et al., (ECF No. 15) 15
Defendants. 16 17 On April 2, 2025, Plaintiff filed a notice of dismissal of Defendant TransUnion,
LLC 18 with prejudice pursuant to Rule 41(a)(1)(A)(i) of the Federal Rules of Civil Procedure.

(ECF 19 No. 15.) 20 “[U]nder Rule 41(a)(1)(A)(i), ‘a plaintiff has an absolute right to voluntarily
dismiss his 21 action prior to service by the defendant of an answer or a motion for summary
judgment.’ ” 22 Commercial Space Mgmt. Co., Inc. v. Boeing Co., Inc., 193 F.3d 1074, 1077 (9th
Cir. 1999) 23 (quoting Wilson v. City of San Jose, 111 F.3d 688, 692 (9th Cir.

1997)). The Ninth Circuit has 24 held that Rule 41(a) allows a plaintiff to dismiss without a court
order any defendant who has yet 25 to serve an answer or motion for summary judgment. Pedrina
v. Chun, 987 F.2d 608, 609 (9th 26 Cir. 1993). “[A] dismissal under Rule 41(a)(1) is effective on
filing, no court order is required, 27 the parties are left as though no action had been brought, the
defendant can’t complain, and the 1 | F.3d at 1078.

Defendant TransUnion, LLC has not filed an answer or a motion for summary 2 | judgment in this
action. 3 Accordingly, the Clerk of the Court is DIRECTED to terminate TransUnion, LLC as a 4 |
defendant in this action. 5 6 IT IS SO ORDERED. FA. ee 7 | Dated: _ April 3, 2025 STANLEY A.
BOONE 8 United States Magistrate Judge 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26
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