

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA

Escobedo v. Buffet Concepts, Inc.

No. 1:24-cv-01153-KES-SAB (E.D. Cal. Mar. 18, 2025) · No. 1:24-cv-01153-KES-SAB · Decided March 18, 2025

SUMMARY

The United States District Court for the Eastern District of California directs the Clerk to close the case and adjust the docket to reflect the plaintiff’s voluntary dismissal with 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	March 18, 2025
DOCKET	1:24-cv-01153-KES-SAB
DISPOSITION	dismissed
PROCEDURAL POSTURE	Plaintiff filed a notice voluntarily dismissing the action with prejudice in its entirety under Federal Rule of Civil Procedure 41(a)(1)(A)(i).
PRECEDENTIAL VALUE	unpublished

TOPICS

civil procedure pleadings

PRACTICE AREAS

civil procedure commercial litigation

QUESTIONS PRESENTED

- Whether the Clerk should close the case and adjust the docket to reflect Plaintiff’s voluntary dismissal under Federal Rule of Civil Procedure 41(a)(1)(A)(i).

HOLDINGS

1. Under Federal Rule of Civil Procedure 41(a)(1)(A)(i), a plaintiff has an absolute right to voluntarily dismiss the action before the defendant serves an answer or motion for summary judgment, and the dismissal is effective upon filing without a court order.

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 commenced an action against Buffet Concepts, Inc. and other defendants. Before any defendant filed an answer, other responsive pleading, or motion for summary judgment, Plaintiff filed a notice dismissing the action with prejudice in its entirety.

PROCEDURAL HISTORY

Plaintiff filed a notice of dismissal on March 17, 2025. Because no defendant had filed an answer, other responsive pleading, or motion for summary judgment, the court directed the Clerk to close the case and adjust the docket to 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)
- Pedrina v. Chun, 987 F.2d 608, 609 (9th Cir. 1993)

OPINION

Escobedo v. Buffet Concepts, Inc.

PER CURIAM.

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UNITED STATES DISTRICT COURT

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EASTERN DISTRICT OF CALIFORNIA

10 11 JOSE ESCOBEDO, Case No. 1:24-cv-01153-KES-SAB 12 Plaintiff, ORDER DIRECTING
CLERK OF COURT

TO CLOSE CASE AND ADJUST THE

13 v. DOCKET TO REFLECT VOLUNTARY

DISMISSAL PURSUANT TO RULE 41(a)

14 BUFFET CONCEPTS, INC., et al., OF THE FEDERAL RULES OF CIVIL
PROCEDURE

15 Defendants. (ECF No. 15) 16 17 On March 17, 2025, Plaintiff filed a notice of dismissal of this
action with prejudice in its 18 entirety pursuant to Federal Rule of Civil Procedure 41(a)(1)(A)(i).
(ECF No. 15.) 19 “[U]nder Rule 41(a)(1)(A)(i), ‘a plaintiff has an absolute right to voluntarily
dismiss his 20 action prior to service by the defendant of an answer or a motion for summary
judgment.’” 21 *Commercial Space Mgmt. Co., Inc. v. Boeing Co., Inc.*, 193 F.3d 1074, 1077 (9th
Cir. 1999), 22 quoting *Wilson v. City of San Jose*, 111 F.3d 688, 692 (9th Cir. 1997). “[A]
dismissal under

23 Rule 41(a)(1) is effective on filing, no court order is required, the parties are left as though no
24 action had been brought, the defendant can’t complain, and the district court lacks jurisdiction
to 25 do anything about it.” *Commercial Space Mgmt. Co., Inc.*, 193 F.3d at 1078; see also
Pedrina v. 26 Chun, 987 F.2d 608, 609 (9th Cir. 1993). In this action, no defendant has filed an
answer, other 27 responsive pleading, or motion for summary judgment. 1 Accordingly, the Clerk
of the Court is HEREBY ORDERED to CLOSE the file in this 2 | case and adjust the docket to
reflect voluntary dismissal of this action pursuant to Rule 41(a). 3

4 IT IS SO ORDERED. FA. ee

5 | Dated: _ March 18, 2025

STANLEY A. BOONE

6 United States Magistrate Judge 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28