

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

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

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