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**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA**

JOHN E. GAMBLE, III,

Plaintiff,

v.

U.S. IMMIGRATION AND
CUSOMS ENFORCEMENT,

Defendant.

Case No. 23-cv-1706-BAS-BLM

**ORDER GRANTING JOINT
MOTION TO DISMISS
(ECF No. 22)**

Before this Court is the parties’ request to dismiss this action with prejudice pursuant to Federal Rule of Civil Procedure (“Rule”) 41. (Mot., ECF No. 22.) Under Rule 41(a)(1)(A), a plaintiff has an absolute right to voluntarily dismiss its action by (1) filing a notice of voluntary dismissal before a defendant has filed an answer or moved for summary judgment, *see* Rule 41(a)(1)(A)(i), or (2) filing a stipulation of dismissal signed by all parties who have appeared, *see* Rule 41(a)(1)(A)(ii). *See also Wilson v. City of San Jose*, 111 F.3d 688, 692 (9th Cir. 1997). Dismissal pursuant to Rule 41(a)(1)(A)(ii) is effective upon the filing of a compliant notice or stipulation. No court order is required. *See Stone v. Woodford*, CIV-F-05-845 AWI-DLB, 2007 WL 527766 (E.D. Cal. Feb. 16, 2007). Nonetheless, the local civil rules of this district require that where, as here, litigants seek


1 voluntary dismissal by filing a signed stipulation pursuant to Rule 41(a)(1)(A)(ii), such a
2 stipulation must be filed as a joint motion.¹

3 A dismissal is without prejudice unless the parties stipulate otherwise. *See* Fed. R.
4 Civ. P. 41(a)(1)(B). Here, the parties have stipulated otherwise. (*See* Mot., ECF No. 22
5 (stipulating to dismissal with prejudice).)

6 Having considered the parties' request, the Court **GRANTS** the Joint Motion. (ECF
7 No. 22.) Thus, the Court **DISMISSES WITH PREJUDICE** the instant action. The Clerk
8 of Court is directed to close the case.

9 **IT IS SO ORDERED.**

10 **DATED: January 12, 2024**


Hon. Cynthia Bashant
United States District Judge

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¹ *See* Electronic Case Filing Administrative Policies and Procedures Manual, United States District Court for the Southern District of California.