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8 UNITED STATES DISTRICT COURT
9 FOR THE EASTERN DISTRICT OF CALIFORNIA
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11 KURTIS A. MEEK,

12 Plaintiff,

13 v.

14 BP PRODUCTS NORTH AMERICA,
15 INC., *et al.*,

16 Defendants.
17

Case No. 2:25-cv-3318-DC-JDP

FINDINGS AND RECOMMENDATIONS

18
19 On July 9, 2026, plaintiff filed a notice stating that the parties had reached a settlement
20 and that pursuant to that settlement, he “will file a dismissal with prejudice after the settlement
21 has been fully performed.” ECF No. 29. On August 7, 2026, the court issued an order directing
22 the parties to file status reports addressing the status of settlement. ECF No. 30. Plaintiff did not
23 file a report. Defendants, however, filed a report stating that the final settlement payment was
24 made to plaintiff on August 4, 2026, and that the settlement has been fully paid. ECF No. 31.
25 Defendants also stated that as part of the settlement plaintiff was “to file a dismissal of the action
26 with prejudice, with the parties to bear their own attorneys’ fees and costs.” *Id.* at 2. Defense
27 counsel reached out to plaintiff via email on August 5, 7, and 13, requesting that plaintiff file his
28 notice of dismissal, but plaintiff has failed to respond.

1 Under Rule 41(a)(2), “an action may be dismissed at the plaintiff’s request only by court
2 order, on terms that the court considers proper.” Fed. R. Civ. P. 41(a)(2). Unless otherwise
3 ordered by the court, dismissal under Rule 41(a)(2) “is without prejudice.” *Id.* Motions for
4 voluntary dismissal under Rule 41(a)(2) should be liberally granted if it will not result in legal
5 prejudice to the defendants. *Stevedoring Serv. of Am. v. Armilla Int’l*, 889 F.2d 919, 921 (9th Cir.
6 1991). The decision to grant a voluntary dismissal under Rule 41(a)(2) is addressed to the district
7 court’s discretion and “will not be disturbed unless the court has abused its discretion.”
8 *Westlands Water Dist. v. United States*, 100 F.3d 94, 97 (9th Cir. 1996).

9 I construe plaintiff’s filing, ECF No. 29, and read together with defendants’ filing, ECF
10 No. 30, as a request for voluntary dismissal. Dismissal is appropriate here. Defendants would
11 not suffer any prejudice from the requested dismissal, which is the primary concern of Rule
12 41(a)(2). *See Stevedoring*, 889 F.2d at 921. Further, based upon both parties’ assertion that all
13 claims have been settled, dismissal with prejudice is proper under Rule 41(a)(2).

14 Accordingly, it is hereby RECOMMENDED that:

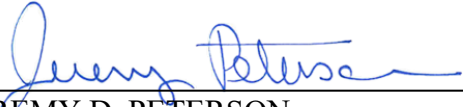
- 15 1. This action be dismissed based on the parties’ settlement pursuant to Rule 41(a)(2).
- 16 2. The July 8, 2026 Findings and Recommendations, ECF No. 28, be termed.
- 17 3. The Clerk of Court be directed to enter judgment and close this action.

18 These findings and recommendations are submitted to the United States District Judge
19 assigned to the case, pursuant to the provisions of 28 U.S.C. § 636(b)(1). Within fourteen days of
20 service of these findings and recommendations, any party may file written objections with the
21 court and serve a copy on all parties. Any such document should be captioned “Objections to
22 Magistrate Judge’s Findings and Recommendations,” and any response shall be served and filed
23 within fourteen days of service of the objections. The parties are advised that failure to file
24 objections within the specified time may waive the right to appeal the District Court’s order. *See*
25 *Turner v. Duncan*, 158 F.3d 449, 455 (9th Cir. 1998); *Martinez v. Ylst*, 951 F.2d 1153 (9th Cir.
26 1991).

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IT IS SO ORDERED.

Dated: September 9, 2026


JEREMY D. PETERSON
UNITED STATES MAGISTRATE JUDGE