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**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA**

Joseph A. Trenton,
Plaintiff,

vs.

Dora B. Schriro, et al.,
Defendants.

) No. CV 08-1250-PHX-MHM (DKD)

) **ORDER**

Plaintiff Joseph A. Trenton brought this civil rights action under 42 U.S.C. § 1983 against various Arizona Department of Corrections officials (Doc. #4).¹ Before the Court is Plaintiff's Motion to Voluntarily Dismiss this action (Doc. #12).

Under Federal Rule of Civil Procedure 41(a), a plaintiff may dismiss an action without a court order by filing a notice of dismissal at any time before service of either an answer or a motion for summary judgment. Defendants have not yet filed an answer or summary judgment motion. The right to voluntarily dismiss an action under these circumstances is, therefore, absolute. Commercial Space Mgmt. Co., Inc. v. Boeing Co., Inc., 193 F.3d 1074, 1077 (9th Cir. 1999).

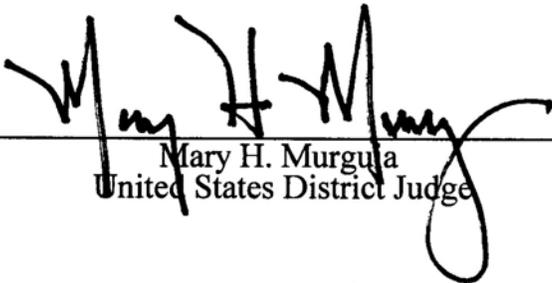
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¹Plaintiff named as Defendants Schriro, Rollins, Bartos, Hailey, and Madrid (Doc. #4).

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IT IS ORDERED that Plaintiff's Motion to Voluntarily Dismiss (Doc. #12) is **granted**; the Clerk of Court must dismiss the First Amended Complaint and this action.

DATED this 25th day of March, 2009.



Mary H. Murgula
United States District Judge