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

Corey Demar Shivers,	)	No. CV 10-1175-PHX-GMS (JRI)
Plaintiff,	)	<b>ORDER</b>
vs.	)	
Phoenix Police Department, et al.,	)	
Defendants.	)	

Plaintiff Corey Demar Shivers, who is confined in the Fourth Avenue Jail in Phoenix, Arizona, filed a *pro se* civil rights Complaint pursuant to 42 U.S.C. § 1983, which the Court dismissed with leave to amend. (Doc. 1, 5.) Plaintiff has filed a motion to dismiss this case without prejudice. (Doc. 7.)

Rule 41(a)(1)(A)(I) of the Federal Rules of Civil Procedure provides in relevant part that a “plaintiff may dismiss an action without a court order by filing: a notice of dismissal before the opposing party serves either an answer or a motion for summary[.]” The Court will construe Plaintiff’s motion to dismiss without prejudice as a notice of voluntary dismissal pursuant to Rule 41 of the Federal Rules of Civil Procedure.

**IT IS ORDERED:**

- (1) The Court construes Plaintiff’s “Motion to Dismiss Case Without Prejudice” as a notice of dismissal pursuant to Rule 41 of the Federal Rules of Civil Procedure. (Doc. 7.)
- (2) The Clerk of Court must enter a judgment of dismissal of this action without

1 prejudice.

2 DATED this 18th day of August, 2010.

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*G. Murray Snow*

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G. Murray Snow  
United States District Judge

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