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6 IN THE UNITED STATES DISTRICT COURT
7 FOR THE DISTRICT OF ARIZONA

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9 Clayton Huggins,

10 Plaintiff,

11 vs.

12 Charles L. Ryan, et al.,

13 Defendants.

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No. CV 11-00534-PHX-NVW (LOA)

ORDER

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This matter is before the Court on Plaintiff’s Motion to Dismiss. (Doc. 24)

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On July 24, 2012, Plaintiff filed the above-mentioned Motion to Dismiss, asking the Court to dismiss his action for failure to state a claim against Defendant for which relief can be granted. On the same day, Defendant Ryan filed a Response to Plaintiff’s Motion to Dismiss, stating that he has no objection to Plaintiff’s request to dismiss this case. (Doc. 25)

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The Court will construe Plaintiff’s Motion’s to Dismiss as a Notice of Dismissal made pursuant to Rule 41(a) of the Federal Rules of Civil Procedure. Pursuant to Rule 41(a) (1)(A), a plaintiff, without a court order, may dismiss an action by “(i) filing a notice of dismissal before the opposing party serves either an answer of a motion for summary judgment; or (ii) a stipulation of dismissal signed by all parties who have appeared.” Fed.R.Civ.P. 41(a)(1)(A)(i) and (ii). The Court will construe Doc. 24 in conjunction with Doc. 25 as substantially equivalent to a Rule 41(a) motion operating as a termination and dismissal of Plaintiff’s action.

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1 Additionally pending before the Court is Defendant's Motion to Enlarge the
2 Dispositive Motion Deadline. (Doc. 23) In light of the Court's ruling above, the Court will
3 deny Defendant's Motion, doc. 23, as moot.

4 **IT IS ORDERED** that Plaintiff's Motion to Dismiss, doc. 24, is construed as a
5 Notice of Dismissal pursuant to Rule 41(a)(1)(A)(ii).

6 **IT IS FURTHER ORDERED** that Plaintiff's action is dismissed without Court
7 order pursuant to Rule 41(a)(A)(ii).

8 **IT IS FURTHER ORDERED** that Defendant's Motion to Enlarge the Dispositive
9 Motion Deadline, doc. 23, is **DENIED** as moot.

10 Dated this 26th day of July, 2012.

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Neil V. Wake
United States District Judge