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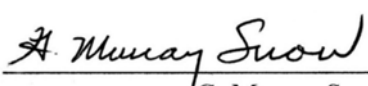
**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA**

David Saint Fort,)	No. CV 11-2385-PHX-GMS (MEA)
Petitioner,)	ORDER
vs.)	
Katrina Kane, et al.,)	
Respondents.)	

Petitioner has filed a Motion to Dismiss Petition Without Prejudice (Doc 13). No answer or motion for summary judgment has been filed by Respondents. Petitioner’s Motion is treated as a notice of voluntary dismissal pursuant to Rule 41(a)(1)(A)(i) of the Federal Rules of Civil Procedure. See Wilson v. City of San Jose, 111 F.3d 688, 692 (9th Cir. 1997) (“a plaintiff has an absolute right to voluntarily dismiss his action prior to service by the defendant of an answer or a motion for summary judgment”).

IT IS ORDERED that Petitioner’s Motion to Dismiss (Doc. 13) is treated as a notice of voluntary dismissal and this action is **dismissed** without prejudice.

DATED this 10th day of January, 2012.



 G. Murray Snow
 United States District Judge