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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA

Donimic T. Brooks,

Plaintiff,

vs.

Corrections Corporation of America, et al.,

Defendants.

No. CV 13-220-PHX-RCB (BSB)

O R D E R

On February 1, 2013, Plaintiff Donimic T. Brooks, who is confined in the Corrections Corporation of America's Saguaro Correctional Center in Eloy, Arizona, filed a *pro se* civil rights Complaint pursuant to 42 U.S.C. § 1983, a Declaration in Support, a Motion for Summary Judgment, and a Declaration in Support of Request to Proceed Without Paying Filing Fee ("First Application to Proceed"). On February 13, 2013, he filed a Request to Proceed *In Forma Pauperis* ("Second Application to Proceed"). On February 26, 2013, Plaintiff filed an Application to Proceed *In Forma Pauperis* by a Prisoner ("Third Application to Proceed") and a Motion for Appointment of Counsel.

In an April 25, 2013 Order, the Court denied the three deficient Applications to Proceed and gave Plaintiff 30 days to pay the filing fee or file a complete Application to Proceed *In Forma Pauperis*. On May 17, 2013, Plaintiff filed another Application to Proceed *In Forma Pauperis*. In an August 28, 2013 Order, the Court granted the May 17

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Application to Proceed, dismissed the Complaint because Plaintiff had failed to state a claim upon which relief could be granted, denied as moot Plaintiff's Motion for Summary Judgment, and denied his Motion for Appointment of Counsel. The Court gave Plaintiff 30 days to file an amended complaint that cured the deficiencies identified in the Order.

On September 19, 2013, Plaintiff filed a Motion to Drop his Claim (Doc. 14), seeking to "drop [his] claim/suit of the above case." Under Rule 41(a) of the Federal Rules of Civil Procedure, a party may dismiss an action without an order of the court by filing a notice of dismissal at any time before service of an answer or a motion for summary judgment. The right to voluntarily dismiss an action under these circumstances is absolute. *Commercial Space Mgmt. Co., Inc. v. Boeing Co., Inc.*, 193 F.3d 1074, 1077 (9th Cir. 1999). The Court will therefore grant Plaintiff's Motion to Drop his Claim.

IT IS ORDERED:

(1) Plaintiff's Motion to Drop his Claim (Doc. 14) is **granted**.

(2) This case is **dismissed without prejudice**. The Clerk of Court must enter judgment accordingly.

DATED this 30th day of September, 2013.

Robert C. Broomfield
Senior United States District Judge