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

8
9 Rebecca D. Mazeau,

10 Plaintiff,

11 v.

12 SHPS, Inc., et al.,

13 Defendants.

No. CV13-00797-PHX-DGC

ORDER

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15 On September 9, 2013, the Court granted Plaintiff Rebecca D. Mazeau's motion to
16 dismiss without prejudice. Doc. 22. The following day, Plaintiff filed a motion to
17 reinstate the case. Doc. 23. The Court will deny the motion.

18 Defendants SHPS, Carewise Health Inc., and Landacorp, Inc. correctly note in
19 their response that there is no "case" to reopen. Doc. 24 at 2. "[A] suit dismissed
20 without prejudice pursuant to Rule 41(a)(2) leaves the situation the same as if the suit had
21 never been brought in the first place." *Humphreys v. United States*, 272 F.2d 411, 412
22 (9th Cir. 1959). As outlined above, this case was dismissed without prejudice on
23 Plaintiff's motion. Accordingly, if the dismissal "leaves the situation the same as if the
24 suit had never been brought," Plaintiff's case is no longer before the Court.

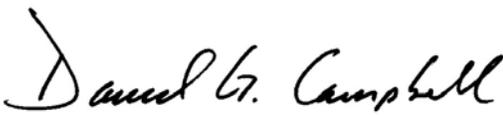
25 Plaintiff states that she is "now able to move forward with this matter," but cites
26 no authority that would allow the Court to reinstate a case that *she* requested to dismiss.
27 Litigants may not voluntarily dismiss and reinstate claims at their leisure. To do so
28 would run afoul of the Federal Rules of Civil Procedure. If Plaintiff wishes to pursue the

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claims that have been dismissed, she must file a new action.

IT IS ORDERED that Plaintiff's motion to reinstate the case (Doc. 23) is **denied**.

Dated this 6th day of November, 2013.



David G. Campbell
United States District Judge