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

Rick Alton Foley,

Plaintiff,

v.

M. Thomas, et al.,

Defendants.

No. CV 13-1496-PHX-SMM (ESW)

ORDER

Plaintiff Rick Alton Foley, who is currently confined in the Arizona State Prison Complex-Florence, brought this civil rights action pursuant to 42 U.S.C. § 1983. (Doc. 10). Pending before the Court is Plaintiff’s Notice and Requests of/for Possible Resolution (Doc. 71), which the Magistrate Judge construed as a motion to appoint counsel, or in the alternative, to dismiss this case without prejudice (Doc. 73).

In his Motion, Plaintiff requests appointment of counsel, or if counsel cannot be appointed, to have this action dismissed without prejudice. By separate Order, the Magistrate Judge denied the part of Plaintiff’s Motion requesting appointment of counsel (Doc. 73).

Pursuant to Rule 41 of the Federal Rules of Civil Procedure, an action may be dismissed at the plaintiff’s request by court order. Fed. R. Civ. P. 41(a)(1)(B). The Court will grant Plaintiff’s request to dismiss this action without prejudice.

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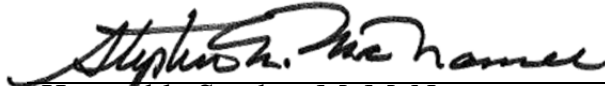
IT IS ORDERED:

(1) The reference to the Magistrate Judge is withdrawn as to Plaintiff's Notice and Requests of/for Possible Resolution (Doc. 71) to the extent Plaintiff seeks dismissal of this action.

(2) Plaintiff's Notice and Requests of/for Possible Resolution (Doc. 71) is **granted** to the extent Plaintiff seeks dismissal of this action without prejudice.

(3) Plaintiff's First Amended Complaint (Doc. 10) and this action are dismissed without prejudice. The Clerk of the Court shall enter judgment accordingly.

DATED this 19th day of March, 2015.


Honorable Stephen M. McNamee
Senior United States District Judge