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

Victor Valenzuela,

Plaintiff,

vs.

State of Arizona, et al.,

Defendants.

No. CV 14-1460-PHX-SPL (DKD)

ORDER

On June 23, 2014, Plaintiff Victor Valenzuela, who is confined in the Arizona State Prison Complex-Kingman in Kingman, Arizona, filed a *pro se* “Motion to File Civil 550 On Medical Head Injurys [sic]” (Doc. 1). On July 2, 2014, Plaintiff filed a “Motion to Dismiss Without Prejudice” (Doc. 3). The Court will grant the Motion.

In his Motion, Plaintiff seeks permission to withdraw his civil complaint without prejudice. Pursuant to Federal Rule of Civil Procedure 41(a)(1)(A)(i), Plaintiff may voluntarily dismiss a case without court order by filing “a notice of dismissal before the opposing party serves either an answer or a motion for summary judgment.” Here, Plaintiff filed a motion rather than a notice, but, because no responsive pleading has yet been filed, he is still entitled to dismissal pursuant to Rule 41. Accordingly, Plaintiff’s Motion will be granted to the extent he seeks dismissal of this case without prejudice pursuant to Rule 41.

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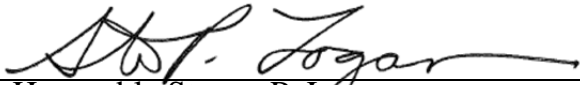
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IT IS ORDERED:

(1) Plaintiff’s “Motion to Dismiss Without Prejudice” (Doc. 3) is **granted** to the extent Plaintiff seeks dismissal of this case without prejudice.

(2) The “Motion to File Civil 550 On Medical Head Injurys [*sic*]” (Doc. 1) and this case are dismissed without prejudice pursuant to Federal Rule of Civil Procedure 41(a)(1)(A). The Clerk of the Court shall enter judgment accordingly.

Dated this 31st day of July, 2014.



Honorable Steven P. Logan
United States District Judge