

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

O JS-6

CIVIL MINUTES - GENERAL

Case No.	5:16-cv-00716-CAS (SPx)	Date	December 8, 2016
Title	CHRISTOPHER CHARLES CHEBELEU V. GREEN TREE SERVICING, LLC, ET AL.		

Present: The Honorable CHRISTINA A. SNYDER, U.S. DISTRICT JUDGE

CONNIE LEE

Not Present

N/A

Deputy Clerk

Court Reporter / Recorder

Tape No.

Attorneys Present for Plaintiffs:

Attorneys Present for Defendants:

N/A

N/A

Proceedings: (IN CHAMBERS) PLAINTIFF'S REQUEST TO DISMISS THE COMPLAINT (Dkt. 17, Filed November 29, 2016)

The Court finds these motions appropriate for decision without oral argument. Fed.R.Civ.P. 78; Local Rule 7-15.

On November 29, 2016, plaintiff, acting pro se, filed a "Request for Leave to Withdraw [the] Complaint Without Prejudice." Dkt. 17. From plaintiff's filing it is clear that he seeks to dismiss this action without prejudice so that, according to him, he may better prepare to litigate the issues herein before bringing it again.

On December 5, 2016, defendants filed an objection to plaintiff's request to voluntarily dismiss the complaint. Dkt. 20. Defendants oppose the instant request by observing that, in granting their most recent motion to dismiss on November 8, 2016, the Court granted plaintiff 21 days leave in which to amend the complaint. *Id.* To date, plaintiff has not filed an amended complaint, but instead seeks the dismiss this action voluntarily.

Pursuant to Federal Rule of Civil Procedure 41(a) a plaintiff may "dismiss an action without a court order by filing: (i) a notice of dismissal before the opposing party serves either an answer or a motion for summary judgment." Accordingly, pursuant to Rule 41(a), a plaintiff has an "absolute right" to dismiss an action without prejudice if it satisfies the conditions of Rule 41(a). *Pedrina v. Chun*, 987 F.2d 608, 610 (9th Cir. 1993).

