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IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

Kenneth Wilson Norwood,
Plaintiff,

vs.

Suzan Hubbard, et al.,
Defendants.

No. 1:07-CV-00889-SMM

ORDER

Before the Court is Plaintiff’s “Motion Requesting that Defendant Covarrubias be Dismissed Immediately from This Lawsuit” (Doc. 70). Under Federal Rule of Civil Procedure 41, a plaintiff may voluntary dismiss an action against a defendant. If the defendant has already served either an answer or a motion for summary judgment, then the action against that defendant may be dismissed only by court order. Fed. R. Civ. P. 41(a)(2). Defendant Covarrubias served an answer (Doc. 43), but pleaded no counterclaim. See id.

Accordingly,

IT IS HEREBY ORDERED that Plaintiff’s “Motion Requesting that Defendant Covarrubias be Dismissed Immediately from This Lawsuit” (Doc. 70) is **GRANTED**.

IT IS FURTHER ORDERED that Plaintiff’s claims against Defendant Covarrubias **only** are dismissed without prejudice from this action.

DATED this 13th day of September, 2010.



Stephen M. McNamee
United States District Judge