

1 dismiss before any opposing parties appears in the action. Fed. R. Civ. P. 41(1)(A)(i). Plaintiff filed
2 this matter on October 31, 2011. (Doc. 1). No defendants have been served. Thus, no defendant has
3 appeared in the action and Plaintiff is entitled to dismiss his litigation. Therefore, the Plaintiff's
4 request to voluntarily dismiss his action is **GRANTED**.

5 **ORDER**

6 Accordingly, the Court HEREBY ORDERS that:

- 7 1. Plaintiff's motion is **CONSTRUED** as a voluntary motion to dismiss under Fed. R. Civ. P.
8 41(1);
9 2. This action is **DISMISSED without prejudice**; and
10 3. The Clerk of the Court is **DIRECTED** to **CLOSE** this matter.

11
12 IT IS SO ORDERED.

13 Dated: May 21, 2013

/s/ Jennifer L. Thurston
14 UNITED STATES MAGISTRATE JUDGE