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5 **UNITED STATES DISTRICT COURT**

6 EASTERN DISTRICT OF CALIFORNIA
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9 MICHANN DENISE MEADOWS,) 1:12-cv-01115-LJO-BAM (PC)
10 Plaintiff,)
11 v.) ORDER GRANTING PLAINTIFF’S
12 LYDIA HENSE, et al.,) REQUEST FOR VOLUNTARY DISMISSAL
13 Defendants.) (ECF No. 11)
14)
15)
16)

17 Plaintiff Michann Denise Meadows (“Plaintiff”) is a state prisoner proceeding pro se and
18 in forma pauperis in this civil rights action pursuant to [42 U.S.C. § 1983](#). Plaintiff filed her
19 complaint on June 20, 2012, and the matter was transferred to this Court on July 10, 2012. On
20 October 8, 2013, the Court dismissed Plaintiff’s complaint with leave to amend. On October 28,
21 2013, Plaintiff moved to dismiss this action. (ECF No. 11.)

22 “[U]nder Rule 41(a)(1)(i), a plaintiff has an absolute right to voluntarily dismiss his
23 action prior to service by the defendant of an answer or a motion for summary judgment.”
24 Commercial Space Mgmt. Co., Inc. v. Boeing Co., Inc., 193 F.3d 1074, 1077 (9th Cir. 1999)
25 (quotation and citation omitted). “[A] dismissal under Rule 41(a)(1) is effective on filing, no
26 court order is required, the parties are left as though no action had been brought, the defendant
27 can’t complain, and the district court lacks jurisdiction to do anything about it.” Id. at 1078.
28 This action currently lacks an operative complaint, no defendant has been served and no
defendant has filed an answer or other responsive pleading.

