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**UNITED STATES DISTRICT COURT**

EASTERN DISTRICT OF CALIFORNIA

AHKEEM DESHAVIER WILLIAMS,

**Case No. 1:18-cv-00416-ADA-SKO**

Plaintiff,

v.

**ORDER DENYING PLAINTIFF'S  
MOTION TO REOPEN THE CASE**

KINGS COUNTY DISTRICT  
ATTORNEY'S OFFICE, et al.,

**(Doc. 9)**

Defendants.

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On March 27, 2018, Plaintiff Ahkeem Deshavier Williams, proceeding pro se and *in forma pauperis*, filed a civil rights action under 42 U.S.C. § 1983 arising out of his prosecution by the Kings County District Attorney's Office and defense by the Public Defender and their alleged failure to provide video evidence. (*See* Doc. 1.)

On July 12, 2018, Plaintiff filed a "Motion" indicating that the video evidence had been located and voluntarily dismissing his case without prejudice. (Doc. 6.) The Court closed the case on July 16, 2018. (Doc. 7).

Almost five years later, on June 14, 2023, Plaintiff filed a "Motion-Re-Open Case" indicating that "they still refuse to give me the video." (Doc. 9 at 2.) While the Court acknowledges Plaintiff is now willing to prosecute his case, a voluntary dismissal under Rule 41 requires no action on the part of the court and divests the court of jurisdiction upon the filing of the notice of voluntary dismissal. *United States v. Real Property Located at 475 Martin Lane, Beverly Hills, CA*, 545 F.3d 1134, 1145 (9th Cir. 2008); *Duke Energy Trading & Mktg., L.L.C. v. Davis*, 267 F.3d 1042, 1049 (9th Cir. 2001) ("Once the notice of dismissal has been filed, the district court loses jurisdiction over

1 the dismissed claims and may not address the merits of such claims or issue further orders pertaining  
2 to them.”). Therefore, when Plaintiff filed the notice of voluntary dismissal pursuant to Rule  
3 41(a)(1) on July 12, 2018, the case was terminated and this Court was divested of jurisdiction over  
4 Plaintiff’s case. As Plaintiff voluntarily dismissed his complaint *without prejudice*, he is free to file  
5 a new complaint with the allegations set forth in his “Motion-Re-Open Case.” However, Plaintiff’s  
6 request to reopen this case (Doc. 9) is DENIED.

7 The Court DIRECTS the Clerk to send a copy of this Order to Plaintiff at his address listed  
8 on the docket for this matter.

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10 IT IS SO ORDERED.

11 Dated: June 16, 2023

*/s/ Sheila K. Oberto*  
UNITED STATES MAGISTRATE JUDGE

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