

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

THOMAS K. MILLS,

No. 1:21-cv-01193-ADA-HBK

Plaintiff,

GRANTING PLAINTIFF'S CONSTRUED
MOTION TO DISMISS UNDER FED. R. CIV.
P. 41(a)(2)

I.Z. JONES, et al.,

(ECF No. 159)

Defendants.

Pending before the Court is Plaintiff's construed motion to dismiss under Fed. R. Civ. P. 41(a)(2). (ECF No. 159; *see also* ECF No. 162). Plaintiff stated that he wishes to dismiss the entire action without prejudice. (ECF No. 159.) Defendants filed a statement of non-opposition to Defendant's motion to dismiss. (ECF No. 163).

Rule 41(a)(2) states, in relevant part:

[A]n action may be dismissed at the plaintiff's request only by court order on terms the court considers proper Unless the order states otherwise, a dismissal under this paragraph (2) is without prejudice.

Trial courts have broad discretion to grant motions for voluntary dismissal under Rule 41(a)(2). *See Hamilton v. Firestone Tire & Rubber Co., Inc.*, 679 F.2d 143, 145 (9th Cir. 1982).

Here, there is no disagreement regarding the terms and conditions of the requested dismissal.

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1 Accordingly,

2 1. Plaintiff's motion to dismiss (ECF No. 159) is granted;

3 2. The matter is dismissed without prejudice; and

4 3. The Clerk of Court shall terminate all pending motion and close this case.

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6 IT IS SO ORDERED.

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8 Dated: January 19, 2023



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UNITED STATES DISTRICT JUDGE