

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

ORION S. EHRINGER,
Plaintiff,
v.
SUPERIOR COURT OF CALIFORNIA
COUNTY OF PLUMAS,
Defendant.

No. 2:15-cv-0071-TLN-KJN PS

ORDER

On March 11, 2015, plaintiff filed a document styled as a “motion.” (ECF No. 15.) In this filing, plaintiff thanks the court and states that “‘IT HAS BEEN AN HONOR’ and an amazing experience.” (Id. at 1.) Plaintiff further states the following:

Crazy as it sounds I believe my son or I am . . . in direct line to be King. Sweden I believe. And as much as it kills me to say this, “I just don’t think it would be appropriate to continue until it is known.” Thank you for your time and effort.

(Id.) The court liberally construes plaintiff’s filing as a notice of voluntary dismissal of this case without prejudice pursuant to Federal Rule of Civil Procedure 41(a)(1)(A)(i).

Federal Rule of Civil Procedure 41(a)(1)(A) provides that “the plaintiff may dismiss an action without a court order by filing . . . (i) a notice of dismissal before the opposing party serves either an answer or a motion for summary judgment” Fed. R. Civ. P. 41(a)(1)(A)(i); see also


1 United States v. Real Property Located at 475 Martin Lane, Beverly Hills, CA, 545 F.3d 1134,
2 1145 (9th Cir. 2008) (noting that dismissal under Rule 41(a)(1)(A)(i) requires no action on the
3 part of the court and divests the court of jurisdiction once the notice of voluntary dismissal is
4 filed).

5 Here, because defendant has not yet served an answer or motion for summary judgment in
6 this case, plaintiff's request for dismissal is effective without a court order. Nevertheless, for
7 purposes of clarity only, IT IS HEREBY ORDERED that:

- 8 1. Plaintiff's motion to dismiss (ECF No. 15) is granted.
- 9 2. The action is dismissed without prejudice pursuant to Federal Rule of Civil Procedure
10 41(a)(1)(A)(i).
- 11 3. The Clerk of Court is directed to close this case.

12 IT IS SO ORDERED.

13 Dated: March 16, 2015

14 
15 _____
16 KENDALL J. NEWMAN
17 UNITED STATES MAGISTRATE JUDGE
18
19
20
21
22
23
24
25
26
27
28