

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
Northern District of California

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

BRIAN OXMAN,
Plaintiff,
v.
STATE BAR OF CALIFORNIA,
Defendant.

Case No. [12-cv-05517-WHO](#)

**ORDER DISMISSING CASE WITHOUT
PREJUDICE**

Re: Dkt. Nos. 27, 28

On July 19, 2013, while defendant State Bar of California's motion to dismiss was pending, plaintiff Brian Oxman notified the Court that he planned to file an amended complaint but needed additional time to do so. The Court granted plaintiff's request and ordered that plaintiff file a first amended complaint no later than July 29, 2013, stating that no further extensions will be granted. Instead of filing an amended complaint on July 29, 2013, plaintiff Brian Oxman filed a "Request for Dismissal Without Prejudice." Dkt. No. 27.

Pursuant to Federal Rule of Civil Procedure 41(a)(1)(A)(i), a "plaintiff may dismiss an action without a court order by filing a notice of dismissal before the opposing party serves either an answer or a motion for summary judgment." Here, the defendant has neither filed an answer nor a motion for summary judgment. The Court treats the "Request for Dismissal Without Prejudice" as a notice of dismissal and this case is dismissed without prejudice. The Clerk of the Court shall close the file.

IT IS SO ORDERED.

Dated: August 13, 2013



WILLIAM H. ORRICK
United States District Judge