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8 Counsel for Plaintiff
 9 **RICARDO LOPEZ**

10 UNITED STATES DISTRICT COURT
 11 NORTHERN DISTRICT OF CALIFORNIA

12 RICARDO LOPEZ,

Case No. C-12-6523-MEJ

13 Plaintiff,

**NOTICE OF VOLUNTARY DISMISSAL OF
 DEFENDANT NATHANIEL FORD WITHOUT
 PREJUDICE**

14 v.

Fed. Rules of Civ. Proc., Rule 41(a)
 [Employment – Jury Demanded]

15 CITY & COUNTY OF SAN FRANCISCO,
 16 et al.,

Defendants.

17 TO THE HONORABLE COURT AND TO ALL PARTIES AND COUNSEL:

18 PLEASE TAKE NOTICE that while he believed, and believes, that the action was filed
 19 and maintained in good faith and with cause (never frivolous) against Defendant Nathaniel
 20 Ford, before this matter was removed by some defendants to federal court, Plaintiff had in fact
 21 requested dismissal of Defendant Nathaniel Ford. However, this Court’s docket does not
 22 reflect the fact that Nathaniel Ford has in fact previously been dismissed without prejudice;
 23 therefore, pursuant to Federal Rules of Civil Procedure (FRCP), Rule 41(a), Plaintiff hereby
 24 gives notice of voluntary dismissal of Defendant Nathaniel Ford as follows:

25 Voluntary Dismissal.

26 (1) By the Plaintiff.

27 (A) Without a Court Order. Subject to Rules 23(e), 23.1(c), 23.2, and 66 and
 28 any applicable federal statute, the plaintiff may dismiss an action without
 a court order by filing:

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- (i) a notice of dismissal before the opposing party serves either an answer or a motion for summary judgment; or
 - (ii) a stipulation of dismissal signed by all parties who have appeared.
- (B) Effect. Unless the notice or stipulation states otherwise, the dismissal is without prejudice. But if the plaintiff previously dismissed any federal – or state – court action based on or including the same claim, a notice of dismissal operates as an adjudication on the merits.

Date: January 3, 2013

/s/ Russell A. Robinson
By: Russell A. Robinson
Law Office of Russell A. Robinson
Counsel for Plaintiff
RICARDO LOPEZ



Dated: 1/7/2013