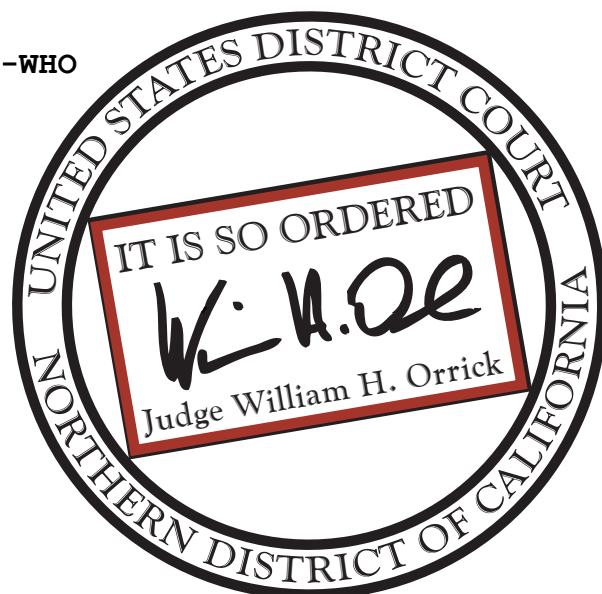


**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA**

Case No.17-CV-01738-WHO

Jack Stone,)	
)	
Plaintiff,)	
)	
v.)	
)	
Facebook, Inc., et al.)	
)	
Defendant.)	
)	



PLAINTIFF SEEKS TO DISMISS WITHOUT PREJUDICE

The plaintiff moves the Court to dismiss this action, without prejudice. Rule 41a(1)(A) permits voluntary dismissal, by a plaintiff, without a court order.

Rule 41. Dismissal of Actions

(a) Voluntary Dismissal.

(1) By the Plaintiff.

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

Rule 23(e) applies to Class Actions. Rule 23.1(c) applies to Derivative Actions. Rule 23.2 applies to Actions Related to Unincorporated Associations. Rule 66 applies to Receivers. These exceptions do not apply to plaintiff's cause of action.

Rule 41a(1)(A)(i) applies to matters where defendants have already received notice. The defendants have not received notice, and have not appeared in this matter.

Rule 41a(1)(B) Effect. Unless the notice states otherwise, the dismissal is without prejudice. However, 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. Rule 41a(1)(B) does not apply to this action as the plaintiff had not previously dismissed any federal, or state-court action based on the same claim.

Plaintiff's Motion for Dismissal Without Prejudice is itself sufficient to dismiss the case without prejudice and without the Court's involvement. See *Detroit Metro. Airport Taxi Ass'n v. Detroit Metro. Wayne County Airport Auth.*, No. 09-CV-14041, 2009 U.S. Dist. LEXIS 101746, at *1 (E.D. Mich. Nov. 2, 2009) ("... Rule 41(a)(1)(i) is clear and unambiguous on its face and admits of no exceptions that call for the exercise of judicial discretion by any court." (quoting *D. C. Elecs., Inc. v. Narton Corp.*, 511 F.2d 294, 298 (6th Cir. 1975))); see also *Bldg. Concepts & Designs Constr., Inc. v. Travelers Prop. Cas. Co. of Am.*, No. 06-2777, 2006 U.S. Dist. LEXIS 54921, at *4-6 (E.D. La. Aug. 7, 2006) (collecting cases holding same).

Conclusion

The plaintiff seeks to dismiss this action, without prejudice, per FRCP Rule 41.

Date: July 24th, 2017

Respectfully Submitted,

/S/ Jack Stone
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