

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 08-cv-02679-BNB

DEAN CARBAJAL,

Plaintiff,

v.

DENVER COUNTY BOARD OF COUNTY COMMISSIONERS FOR DENVER
COUNTY,
DEPUTY SHERIFF HATCH,
DEPUTY SHERIFF B. WOLFE,
BILL RAILEY,
CHRIS WELDON,
JOE QUINTANA,
CARROL WARNER,
DAVID ROMERO,
STEVEN J. PATRICK,
CHARLES GREENACRE,
SANDRA K. MILLER,
JAMES SCHUM,
MANDY ALLEN,
TWO UNKNOWN DELTA POLICE OFFICERS,
CITY AND COUNTY OF DELTA,
DANIEL E. ROSENBERG,
CITY AND COUNTY OF DENVER,
GILBERTO LUCIO,
RICHARD T. BOEHNLEIN,
RANJAN R. FORD,
ROBERT A. SALAZAR,
CITY OF ARUADA,
JOURDAN LOPEZ-BASGAL,
A. J. DEANDRE,
PATRICK MEESTER,
THEA REIFF,
SARA GARRIDO,
BRIAN DOMINGUEZ,
MRYL SERRA,
THOMAS J. FARRELL,
LEONARD MARTINEZ,
JEFF HERRON,
JANE A. TIDBALL,
BILL RITTER,

FILED
UNITED STATES DISTRICT COURT
DENVER, COLORADO

MAR 20 2009

GREGORY C. LANGHAM
CLERK

EDWARD CLAYTON,
BETH VALERIO,
UNKNOWN DENVER POLICE OFFICER,
UNKNOWN ARVADA POLICE OFFICER,
UNKNOWN DELTA POLICE OFFICER,
DENVER POLICE DEPARTMENT, and
ARVADA POLICE DEPARTMENT,

Defendants.

ORDER DISMISSING CASE

At issue is the document titled, "Motion to Dismiss/Withdraw Complaint" filed by Plaintiff Dean Carbajal on March 9, 2009. The Court must construe the Motion liberally because Plaintiff is a *pro se* litigant. **See Haines v. Kerner**, 404 U.S. 519, 520-21 (1972); **Hall v. Bellmon**, 935 F.2d 1106, 1110 (10th Cir. 1991).


Rule 41(a)(1)(A) of the Federal Rules of Civil Procedure 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" No answer has been filed by Defendants in this action. Further, a voluntary dismissal under Rule 41(a)(1)(A) is effective immediately upon the filing of a written notice of dismissal, and no subsequent court order is necessary. **See J. Moore, Moore's Federal Practice** ¶ 41.02(2) (2^d ed. 1995); **Hyde Constr. Co. v. Koehring Co.**, 388 F.2^d 501, 507 (10th Cir. 1968).

The Court construes the Motion as a Notice of Dismissal filed pursuant to Rule 41(a)(1)(A)(i). The file will be closed as of March 9, 2009, the date the Notice was filed with the Court. **See Hyde Constr. Co.**, 388 F.2^d at 507. Accordingly, it is

ORDERED that the Motion is construed as a Notice of Dismissal filed pursuant to Fed. R. Civ. P. 41(a)(1)(A)(i) and is effective as of March 9, 2009, the date Plaintiff filed the Notice in this action.

DATED at Denver, Colorado, this 20 day of March, 2009.

BY THE COURT:



ZITA L. WEINSHIENK, Senior Judge
United States District Court

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

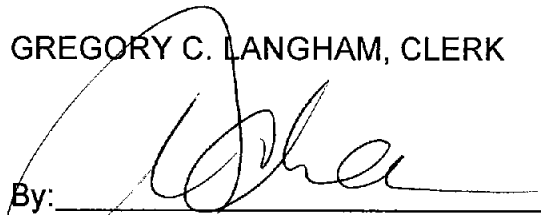
CERTIFICATE OF MAILING

Civil Action No. 08-cv-02679-ZLW

Dean Carbajal
P.O. Box 46075
Denver, CO 80205

I hereby certify that I have mailed a copy of the **ORDER** to the above-named individuals on 5/20/09

GREGORY C. LANGHAM, CLERK

By: 
Deputy Clerk