

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 09-cv-01572-BNB

JERRY L. MASKE,

Plaintiff,

v.

ARAPAHOE COUNTY,

Defendant.

FILED
UNITED STATES DISTRICT COURT
DENVER, COLORADO

JUL 16 2009

GREGORY C. LANGHAM
CLERK

ORDER DISMISSING CASE

Plaintiff Jerry L. Maske currently resides in Aurora, Colorado. Mr. Maske initiated this action by filing a Complaint. On July 9, 2009, Mr. Maske filed a Letter with the Court stating only, "Please dismiss this civil action. I now understand the process." The Court must construe the Letter liberally because Mr. Maske 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) 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 Defendant 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, therefore, construes the Letter as a Notice of Dismissal filed pursuant to Rule 41(a)(1)(A)(i). The file will be closed as of July 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 Letter is construed as a Notice of Dismissal filed pursuant to Fed. R. Civ. P. 41(a)(1)(A)(i) and is effective as of July 9, 2009, the date Mr. Maske filed the Notice in this action. It is

FURTHER ORDERED that the dismissal is without prejudice.

DATED at Denver, Colorado, this 15 day of July, 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. 09-cv-01572-BNB

Jerry Maske
2705 Danube Way, Unit 101
Aurora, CO 80013

I hereby certify that I have mailed a copy of the **ORDER** to the above-named individuals on 7/16/09

GREGORY C. LANGHAM, CLERK

By: 

Deputy Clerk