

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO
Judge William J. Martínez**

Civil Action No. 11-cv-00136-WJM-BNB

RICHARD J. LYNN,

Plaintiff,

v.

W. COX, SIS Investigator,
J. BOLEY, Unit Manager,
J. CAREY, Disciplinary Hearing Officer,
R. SHANK, Staff Representative,
R. WILEY, Warden, ADX,
B. DAVIS, Warden, ADX,
J. FOX, Associate Warden, ADX,
J. JONES, Associate Warden, ADX,
M. COLLINS, Unit Manager, ADX,
P. RANGEL, Unit Manager, ADX,
A. FENLON, Case Manager,
T. JOHNS, Warden USP-1 Coleman, FL,
R. BURTON, Associate Warden, USP-1 Coleman, FL, and
O. BARAT, Captain, USP-1 Coleman, FL,

Defendants.

ORDER ON MOTION TO DISMISS

On June 13, 2012, Plaintiff Richard J. Lynn filed a “Motion to Dismiss His Civil Action for Unintended Consequences” (“Motion”). (ECF No. 87.) In the Motion, Plaintiff asks the Court to dismiss the above-captioned case. (*Id.* at 3.) As no defendant has filed an answer or a motion for summary judgment in this action, Plaintiff’s Motion serves as a notice of voluntary dismissal and operates to close the case. See Fed. R. Civ. P. 41(a)(1)(A)(i).

Accordingly, the Clerk of Court is directed to close this case. Because this action has been voluntarily dismissed by Plaintiff, Defendants' Motion to Dismiss (ECF No. 60) is moot and is DENIED on that basis. Magistrate Judge Boyd Boland's Recommendation (ECF No. 86) is also moot and should be terminated.

Dated this 3rd day of July, 2012.

BY THE COURT:



William J. Martinez
United States District Judge