IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 13-cv-00006-BNB

SIRRLOVE WILLIAMS,

    Plaintiff,

    v.

[NO NAMED DEFENDANTS],

    Defendants.

ORDER DISMISSING CASE

At the time Plaintiff, Sirrlove Williams, initiated this action he was incarcerated at a correctional facility located in Englewood, Colorado. On January 22, 2013, Mr. Williams filed a pleading titled "Motion to End Civil Action Regarding Case Number 13-cv-00006-BNB." The Court must construe the pleading liberally because Mr. Williams 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 . . . ." Defendant has not filed an answer in this action. Further, a voluntary dismissal under Rule 41(a)(1)(A)(i) is effective immediately upon the filing of a written notice of dismissal, and no subsequent court order is necessary. *See* 8-41James Wm. Moore et al., Moore's Federal Practice § 41.33(6)(a) (3d ed. 1997); *Hyde Constr. Co. v. Koehring Co.*, 388 F.2d 501, 507 (10th Cir. 1968).

The Court, therefore, construes the pleading as a Notice of Dismissal filed pursuant to Rule 41(a)(1)(A)(i). The file will be closed as of January 22, 2013, the date the Notice was filed with the Court. *See Hyde Constr. Co.*, 388 F.2d at 507. Accordingly, it is

ORDERED that the Motion to End Civil Action is construed as a Notice of Dismissal filed pursuant to Fed. R. Civ. P. 41(a)(1)(A)(i) and is effective as of January 22, 2013, the date Mr. Williams filed the Notice in this action. It is

FURTHER ORDERED that Mr. William's request for a temporary restraining order, also filed January 22, 2013, is denied as moot.

DATED at Denver, Colorado, this 25th day of   January   , 2013.

BY THE COURT:

    s/Lewis T. Babcock
LEWIS T. BABCOCK, Senior Judge
United States District Court