

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 13-cv-00157-BNB

JEREMY PINSON,

Plaintiff,

v.

RICHARD MADISON,
PATRICIA RANGEL,
DAVID BERKEBILE,
S. KUTA,
MICHELLE BOND,
OFFICER J. JOHNSON,
OFFICER SHEPHERD,
PAUL ZOHN,
BLAKE DAVIS,
A. BALSICK,
G. SANDUSKY,
OFFICER DAVIS,
OFFICER TERSKA,
K. ESPENSEN, and
A. OSAGIE,

Defendants.

ORDER DISMISSING CASE

On March 25, 2013, Mr. Pinson filed a pleading titled "Voluntary Dismissal" requesting that this action be dismissed pursuant to Fed. R. Civ. P. 41(a)(i). The Court must construe the pleading liberally because Mr. Pinson 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 8-41 James 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 March 25, 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 pleading titled “Voluntary Dismissal” is construed as a Notice of Voluntary Dismissal filed pursuant to Fed. R. Civ. P. 41(a)(1)(A)(i) and is effective as of March 25, 2013, the date Mr. Pinson filed the Notice in this action. It is

FURTHER ORDERED that the “Notice of Withdrawal of Motion to Dismiss,” ECF No. 13, is disregarded by the Court as moot.

DATED at Denver, Colorado, this 29th day of March, 2013.

BY THE COURT:

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