

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 14-cv-01941-BNB

CURT ALLEN SIGLER,

Applicant,

v.

BROOMFIELD COLORADO JAIL,

Respondent.

ORDER DISMISSING CASE

On July 15, 2014, Magistrate Judge Boyd N. Boland entered an order directing Applicant, Curt Allen Sigler, to cure certain deficiencies in this action. Mr. Sigler has not cured the deficiencies as directed. Instead, on August 1, 2014, he filed a Motion to Withdraw All Motions, Filings and Claims (ECF No. 5). Mr. Sigler asks the Court to “dismiss, without prejudice, all of his filings and claims with this court to date and allow him the opportunity to file the proper claims against a very limited number of respondents due to the unlawful agreement he was forced to sign under threat, duress and coercion in Broomfield County[,] Colorado.” (ECF No. 5 at 2.)

Pursuant to Rule 41(a)(1)(A) of the Federal Rules of Civil Procedure, Mr. Sigler “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 response has been filed by any opposing party in this action. A voluntary dismissal pursuant to 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) (2d ed. 1995); *Hyde Constr. Co. v. Koehring Co.*, 388 F.2d 501, 507 (10th Cir. 1968). The notice closes the file. See *Hyde Constr. Co.*, 388 F.2d at 507.

Accordingly, it is

ORDERED that the Motion to Withdraw All Motions, Filings and Claims (ECF No. 5) is GRANTED and the action is dismissed without prejudice. It is

FURTHER ORDERED that the voluntary dismissal is effective as of August 1, 2014, the date the notice of voluntary dismissal was filed in this action.

DATED at Denver, Colorado, this 5th day of August, 2014.

BY THE COURT:

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