

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 15-cv-00318-GPG

SALVADOR MAGLUTA,

Plaintiff,

v.

UNITED STATES BUREAU OF PRISONS,
F.N.U. VANEC, Assistant SIS at U.S.P. Florence,
THERESA MONTOYA, Senior Legal Counsel at ADX Florence,
RICHARD DERR, Unit Manager at U.S.P. Florence,
CHARLES DANIELS, Warden at U.S.P. Florence,
CRAIG F. SWARTZ, Assistant Warden at U.S.P. Florence,
PAUL M. LAIRD, Regional Director of the Federal Bureau of Prisons,
F.N.U. MEYERS, S.I.A. at U.S.P. Terre Haute,
JOHN F. CARRAWAY, Warden at U.S.P. Terre Haute,
F.N.U. ROY, SIS Technician at U.S.P. Terre Haute,
JASON CRUZE, S.I.S. Technician at U.S.P. Terre Haute,
SEAN SNYDER, Captain at ADX Florence,
ELEANOR ALEXANDER, ADX Hearing Administrator,
BELINDA AUTERSON, Disciplinary Hearing Officer at U.S.P. Terre Haute,
JOSE A. SANTANA, Chief Designation Sentencing Comp. Center Grand Prairie, Texas,
BLAKE R. DAVIS, Assistant Director, Correctional Program Division, BOP Central
Office,
TERESA NEHLS, Nurse Practitioner, F.C.C. Florence,
DAVID ALLRED, Clinical Director, F.C.C. Florence,
F.N.U. SANTINI, Clinical Director, F.C.C. Florence,
DAVID BERKEBILE, Warden, ADX Florence,
LISA McDERMOTT, A.H.S.A., U.S.P. Florence,
JOHN DOES, BOP Staff Terre Haute, and
JOHN DOES, BOP Staff Florence,

Defendants.

ORDER DISMISSING CASE

Plaintiff, through counsel, has filed a Notice of Voluntary Dismissal of Case
Without Prejudice, ECF No. 13. Plaintiff requests dismissal because he intends to

retain new counsel to initiate a new case to address his grievances.

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” Defendants 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 case, therefore, will be closed as of May 12, 2015, the date the Notice was filed with the Court. See *Hyde Constr. Co.*, 388 F.2d at 507. Accordingly, it is

ORDERED that the Notice of Voluntary Dismissal of Case Without Prejudice, ECF No. 13, is effective as of May 12, 2015, the date Plaintiff filed the Notice in this action. It is

FURTHER ORDERED that the Complaint and action are dismissed without prejudice.

DATED at Denver, Colorado, this 13th day of May, 2015.

BY THE COURT:

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