

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 15-cv-00370-GPG

LELAND CRAMER,

Plaintiff,

v.

[NO DEFENDANTS NAMED],

Defendants.

ORDER DISMISSING CASE

Plaintiff, Leland Cramer, submitted to the Court *pro se* a letter (ECF No. 1) in which he stated he is seeking a remedy for alleged violations of his constitutional rights. The instant action was commenced and, on February 24, 2015, Magistrate Judge Gordon P. Gallagher entered an order directing Mr. Cramer to cure certain deficiencies if he wished to pursue any claims. In particular, Mr. Cramer was directed to file a complaint and either to pay the filing fee or to file a motion seeking leave to proceed *in forma pauperis* pursuant to 28 U.S.C. § 1915. Magistrate Judge Gallagher also advised Mr. Cramer that, if it was not his intention to initiate a civil action, he should advise the Court of that fact and this action would be dismissed.

Mr. Cramer has not cured the deficiencies. Instead, on March 3, 2015, he filed another letter (ECF No. 4) demanding immediate removal of the case number, apparently because he did not intend to commence a civil action in this Court at this time. The Court construes the letter filed on March 3 as a notice of voluntary dismissal.

Pursuant to Rule 41(a)(1)(A) of the Federal Rules of Civil Procedure, Mr. Cramer "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 instant action is dismissed without prejudice pursuant to the letter (ECF No. 4) that the Court construes as a notice of voluntary dismissal.

DATED at Denver, Colorado, this 5th day of March, 2015.

BY THE COURT:

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