

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLORADO

Civil Action No. 15-cv-01014-GPG

GREG GOLDFOGEL,

Plaintiff,

v.

NUMERICA CREDIT UNION,

Defendant.

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ORDER DISMISSING CASE

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Plaintiff, Greg Goldfogel, resides in Denver, Colorado. He initiated this action on May 13, 2015 by filing, *pro se*, a Title VII Complaint (ECF No. 1), an Application to Proceed in District Court Without Prepaying Fees or Costs (Long Form) (ECF No. 3), and a Motion for Ex Parte Injunction for Immediate Relief (ECF No. 4).

On May 26, 2015, Magistrate Judge Gordon P. Gallagher entered an Order directing Mr. Goldfogel to show cause, within thirty days, why this action should not be dismissed for lack of subject matter jurisdiction because Plaintiff had not exhausted his administrative remedies and received a notice-of-right-to-sue letter from the Equal Opportunity Commission before initiating a Title VII action. (ECF No. 8). In the meantime, Mr. Goldfogel had filed a "Notice of Voluntary Dismissal Pursuant to F.R.C.P. 41(a)(1)(A)(i)" (ECF No. 7) on May 22, 2015.

Fed. R. Civ. P. 41(a)(1) 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 . . . .” No responsive pleading has been filed by Defendant in this action. Further, a voluntary dismissal under Rule 41(a)(1) 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 of Voluntary Dismissal, therefore, closes the file as of May 22, 2015. See *Hyde Constr. Co.*, 388 F.2d at 507. Accordingly, it is

ORDERED that the action is dismissed pursuant to Fed. R. Civ. P. 41(a)(1). It is

FURTHER ORDERED that the voluntary dismissal is without prejudice and is effective as of May 22, 2015, the date Mr. Goldfogel filed a Notice of Voluntary Dismissal (ECF No. 7). It is

FURTHER ORDERED that all pending motions are DENIED as moot.

DATED July 6, 2015, at Denver, Colorado.

BY THE COURT:

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