

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLORADO  
Judge Robert E. Blackburn**

Civil Action No. 15-cv-02225-REB-BNB

MATTHEW EBERTOWSKI,

Plaintiff,

v.

SECURE ENERGY SERVICES USA, LLC,  
SECURE DRILLING, SERVICES USA, LLC, d/b/a  
MARQUIS ALLIANCE ENERGY GROUP USA, LLC.,

Defendants.

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**ORDER OF DISMISSAL PURSUANT TO FED. R. CIV. P. 41(a)(1)**

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**Blackburn, J.**

The matter before the court is plaintiff's **Motion To Dismiss Pursuant to Fed. R. Civ. P. 41** [#8],<sup>1</sup> filed January 18, 2016. Defendants have not yet answered or filed any potentially dispositive motions. Accordingly, under Fed. R. Civ. P. 41(a)(1), no court order is necessary to effectuate voluntary dismissal, which becomes effective immediately on filing of notice of plaintiff's intent to dismiss. **See** 9 C. Wright, A. Miller, M. Kane, R. Marcus, and A. Steinman, **Federal Practice & Procedure** § 2363 (3<sup>rd</sup> ed.); **Janssen v. Harris**, 321 F.3d 998, 1000-01 (10<sup>th</sup> Cir. 2003); **Bunner v. Koch**, 2009 WL 798539 at \*1 (D. Colo. March 24, 2009).

Plaintiff thus requires no affirmative relief from the court in order to effectuate dismissal of his claims. Although in that sense his motion is moot, I nevertheless

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<sup>1</sup> “[#8]” is an example of the convention I use to identify the docket number assigned to a specific paper by the court's case management and electronic case filing system (CM/ECF). I use this convention throughout this order.

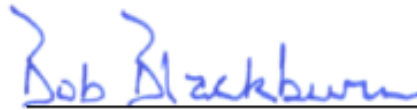
construe it as a notice of plaintiff's intent to dismiss voluntarily. As thus construed, I approve the notice and dismiss plaintiff's claims without prejudice. **See FED. R. CIV. P. 41(a)(1)(B)** (unless specifically indicated by plaintiff or stipulated by all parties, dismissal under Rule 41 is without prejudice).

**THEREFORE, IT IS ORDERED** as follows:

1. That plaintiff's **Motion To Dismiss Pursuant to Fed. R. Civ. P. 41** [#8], filed January 18, 2016, construed as a notice of dismissal, is approved;
2. That plaintiff's claims against defendants are dismissed without prejudice;
3. That all currently pending deadlines are vacated; and
3. That this case is closed.

Dated January 19, 2016, at Denver, Colorado.

**BY THE COURT:**



Robert E. Blackburn  
United States District Judge