

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLORADO

Civil Action No. 15-cv-02390-GPG

STEVEN DEAN BYFIELD

Applicant,

v.

CITY AND COUNTY OF DENVER COLORADO SHERIFF OFFICE DEPARTMENT,  
SHERIFF'S OFFICE AND ITS LAW ENFORCEMENT OFFICERS,  
DENVER CITY AND COUNTY COURT OFFICERS,  
DENVER CITY AND COUNTY CIVIL OFFICERS AND DENVER COUNTY  
COLORADO,

Respondents.

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ORDER DISMISSING CASE

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Applicant, Steven Dean Byfield, initiated this action by filing *pro se* a writ of habeas corpus on October 28, 2015. (ECF No. 1). He has paid the \$5.00 filing fee. On October 29, 2015, Magistrate Judge Gordon P. Gallagher entered an Order directing Plaintiff to cure certain deficiencies if he desired to proceed with the action. (ECF No. 3).

On November 2, 2015, Plaintiff filed a Letter and stated he “would like to withdraw [his] case 15-cv-02390 as [he] ha[s] been released from Custody.” (ECF No. 4). The Court will construe the Letter as a Notice of Voluntary Dismissal of this case and dismiss the action.

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 . . . .” No responsive pleading has been filed

by Respondents 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 November 2, 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, ECF No. 4, is effective as of November 2, 2015, the date Plaintiff filed the Notice in this action.

DATED at Denver, Colorado, this 20<sup>th</sup> day of November, 2015.

BY THE COURT:

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