

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 16-cv-00490-GPG

JASON LEE HARRIS,

Plaintiff,

v.

J. KOCH,
J. ARROYO,
T. JAVERNICK,
JOSE SANTANA,
FEDERAL BUREAU OF PRISONS, and
FNU GRISENTI,

Defendants.

ORDER DISMISSING CASE

Plaintiff is in the custody of the Federal Bureau of Prisons and currently is incarcerated at the United States Penitentiary in Florence, Colorado. Plaintiff initiated this action on February 25, 2016, by filing a Prisoner Complaint with the Court that challenges the conditions of his confinement. Magistrate Judge Gordon P. Gallagher entered an Order to Cure Deficiencies on March 1, 2016, that directed Plaintiff to submit a certified inmate account statement for the past six months immediately preceding the filing of this action.

On March 9, 2016, Plaintiff filed a Notice of Voluntary Dismissal and stated that he desires to dismiss this action. ECF No. 5. The action, therefore, is dismissed as follows.

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 have 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 March 9, 2016, 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. 5, is effective as of March 9, 2016, the date Plaintiff filed the Notice in this action.

DATED at Denver, Colorado, this 14th day of March, 2016.

BY THE COURT:

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