

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLORADO

Civil Action No. 16-cv-00746-GPG

ALFONSO PADILLA, and  
JONATHAN R. GONZALEZ,

Applicants,

v.

JOHN HICKENLOOPER,  
CYNTHIA H. COFFMAN,  
KARL KRAMER,  
JOSEPH BRADY,  
DEAN GOZALES,

Respondents.

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ORDER DISMISSING CASE

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Applicants are in the custody of the Denver County Jail. On March 31, 2016, they submitted *pro se* an Application for a Writ of Habeas Corpus Pursuant to U.S.C. § 2241. (ECF No. 1). Magistrate Judge Gordon P. Gallagher entered an Order to Cure Deficiencies on April 7, 2016. (ECF No. 3). On April 8, 2016, Applicants filed a “Motion for Dismissal” and stated that they desired to dismiss this action. (ECF No. 4). 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 . . . .” Respondents have not filed any responsive pleading 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 April 8, 2016, the date the Motion for Dismissal was filed with the Court. See *Hyde Constr. Co.*, 388 F.2d at 507.

Accordingly, it is

ORDERED that the Motion for Dismissal (ECF No. 4) is GRANTED and this 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 April 8, 2016, the date Applicants filed the Motion for Dismissal in this action.

DATED at Denver, Colorado, this 13<sup>th</sup> day of April, 2016.

BY THE COURT:

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