

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MONTANA  
BILLINGS DIVISION

MICHAEL PHILLIPS,

Petitioner,

vs.

LEROY KIRKEGARD; ATTORNEY  
GENERAL OF THE STATE OF  
MONTANA,

Respondents.

Cause No. CV 14-102-BLG-SPW-CSO

ORDER

This case comes before the Court on Petitioner Michael Phillips' application for writ of habeas corpus. Phillips is a state prisoner proceeding pro se.

On August 15, 2014, Phillips submitted a letter to the Clerk "requesting that no action be taken and the motions I recently mailed to you be disposed of." Letter at 1 (emphasis in original). He continues, asking that the Court "Disregard [his] Motions and throw them Away." Id.

In substance, the letter is a notice of voluntary dismissal under Fed. R. Civ. P. 41(a)(1)(A)(i). Dismissal is without prejudice. Fed. R. Civ. P. 41(a)(1)(B).

Based on the foregoing, the Court enters the following:

## **ORDER**

The Clerk shall docket Phillips's letter as a notice of voluntary dismissal under Fed. R. Civ. P. 41(a) and shall close the case.

DATED this 18th day of August, 2014.

/s/ Carolyn S. Ostby  
United States Magistrate Judge