

1 (2) By Court Order; Effect. Except as provided in Rule 41(a)(1), an action may be
2 dismissed at the plaintiff's request only by court order, on terms that the court
3 considers proper. If a defendant has pleaded a counterclaim before being served
4 with the plaintiff's motion to dismiss, the action may be dismissed over the
5 defendant's objection only if the counterclaim can remain pending for independent
6 adjudication. Unless the order states otherwise, a dismissal under this paragraph
7 (2) is without prejudice.

8 Fed. R. Civ. P. 41(a).

9 In the instant motion, plaintiff moves to voluntarily dismiss the instant action with
10 prejudice. (ECF No. 51). Defendant does not oppose dismissing the action with prejudice (ECF
11 No. 52), but requests leave to submit a memorandum of attorney's fees (ECF No. 53).

12 In light of the foregoing, the court will grant plaintiff's motion to dismiss the instant action
13 with prejudice. The court will deny defendant's motion for attorney's fees as it does not comply
14 with Local Rule 54-16(b)'s requirements for motions for attorney's fees. See LR 54-16(b).

15 Accordingly,

16 IT IS HEREBY ORDERED, ADJUDGED, and DECREED that plaintiff's motion to
17 dismiss (ECF No. 51) be, and the same hereby is, GRANTED.

18 IT IS FURTHER ORDERED that the instant matter Interface Operations LLC v. Kwame
19 Luangisa, case number 2:16-cv-00280-JCM-CWH, be, and the same hereby is, DISMISSED
20 WITH PREJUDICE.

21 IT IS FURTHER ORDERED that defendant's motion for attorney's fees (ECF No. 53) be,
22 and the same hereby is, DENIED without prejudice to his ability to resubmit a motion that
23 complies with the federal and local rules.

24 IT IS FURTHER ORDERED that defendant's motion for summary judgment (ECF No.
25 38) be, and the same hereby is, DENIED as moot.

26 DATED March 22, 2017.

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UNITED STATES DISTRICT JUDGE