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UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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STEVEN J. SCHIEFFER,

Plaintiff,

v.

UNITED STATES OF AMERICA, *et al.*,

Defendants.

Case No. 2:16-cv-00672-APG-NJK

**ORDER DISMISSING SOME
DEFENDANTS AND REQUIRING
PLAINTIFF TO SUBMIT
SUPPLEMENT REGARDING
REMAINING DEFENDANTS**

(ECF No. 68)

11 Plaintiff Steven Schieffer has filed a motion to dismiss his case against “all remaining
12 qualifying defendants.” ECF No. 68. Schieffer bases his motion on Fed.R.Civ.P. 41(a)(1), which
13 allows a plaintiff to voluntarily dismiss his complaint before the opposing party files an answer or
14 a motion for summary judgment. Schieffer states in his motion that he believes this applies to
15 defendants “Iowa Department of Human Services, Las Vegas Nevada Police Department, Le
16 Mars Iowa Police Department, Yankton South Dakota Police Department, Senator Chuck
17 Grassley of Iowa, Janice Goode of U.S. Senator Grassley’s Office.” *Id.* at 2:2-5. While dismissal
18 is appropriate as to those defendants, Schieffer also may dismiss all of the other defendants in this
19 case because none of the defendants has filed an answer or a motion for summary judgment.

20 Schieffer’s motion seems to indicate that he wants to dismiss his entire case against all
21 defendants but he feels he cannot under Fed.R.Civ.P. 41(a)(1) because the other defendants are
22 represented by counsel. Representation by counsel is not a barrier to a plaintiff’s dismissal under
23 Fed.R.Civ.P. 41(a)(1). Given the lack of clarity in Schieffer’s motion, I will allow him to file a
24 supplement to the motion explaining whether he wishes to continue with this lawsuit against the
25 other defendants. In the meantime, I will dismiss the defendants named in the motion.

26 IT IS HEREBY ORDERED that Schieffer’s motion to dismiss (**ECF No. 68**) is
27 **GRANTED**. This case is dismissed without prejudice as to defendants Iowa Department of
28

1 Human Services, Las Vegas Nevada Police Department, Le Mars Iowa Police Department,
2 Yankton South Dakota Police Department, Senator Chuck Grassley of Iowa, and Janice Goode.

3 IT IS FURTHER ORDERED that Schieffer shall have until **February 21, 2017** to file a
4 supplement to his motion to dismiss explaining whether he wishes to continue with this lawsuit
5 against the other defendants. If Schieffer fails to file his supplement by that date, I will take that
6 as consent to dismissal of all defendants and I will dismiss those other defendants without
7 prejudice without further notice.

8 DATED this 31st day of January, 2017.

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11 ANDREW P. GORDON
12 UNITED STATES DISTRICT JUDGE
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