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UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

* * *

VICTORIA BAGIROV,

Plaintiff(s),

v.

AARGON COLLECTION AGENCY, INC.,
et al.,

Defendant(s).

Case No. 2:16-CV-984 JCM (CWH)

ORDER

Presently before the court is plaintiff Victoria Bagirov’s motion to dismiss defendant Collection Service of Nevada (“CSN”). (ECF No. 29). Plaintiff has filed a notice of non-opposition, asserting that defendant has failed to respond to the motion within the applicable deadline. (ECF No. 36).

On July 27, 2016, CSN filed an answer to plaintiff’s complaint. (ECF No. 22). Therefore, plaintiff must seek a court order granting her request to dismiss her action against that party. See Fed. R. Civ. P. 41(a)(2) (“Except as provided in Rule 41(a)(1), an action may be dismissed at the plaintiff’s request only by court order, on terms that the court considers proper.”). “A district court should grant a motion for voluntary dismissal under Rule 41(a)(2) unless a defendant can show that it will suffer some plain legal prejudice as a result.” *Smith v. Lenches*, 263 F.3d 972, 975 (9th Cir. 2001) (footnote omitted) (citing *Waller v. Fin. Corp. of Am.*, 828 F.2d 579, 583 (9th Cir. 1987)).

Here, CSN has failed to respond to plaintiff’s motion to dismiss and therefore has effectively consented to the granting of that motion. See Local Rule 7-2(d). The instant matter is one where plaintiff seeks to dismiss her own claim against a defendant—not the dismissal of an action effectively as a sanction for a failure to obey the local rules. (See ECF No. 29). Therefore, a consideration of the factors in *Ghazali v. Moran*, is unnecessary. Compare 46 F.3d 52, 53–54

James C. Mahan
U.S. District Judge

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(9th Cir. 1995), with Smith, 263 F.3d at 975. Thus, this court is satisfied that defendant has not indicated any impending legal prejudice that would result from the granting of this motion.

Accordingly,

IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that plaintiff's motion to dismiss her action against this defendant (ECF No. 29) be, and the same hereby is, GRANTED.

DATED December 6, 2016.


UNITED STATES DISTRICT JUDGE