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**UNITED STATES DISTRICT COURT**  
**DISTRICT OF NEVADA**

Jessica M. Brown,  
Plaintiff  
v.  
Gomez,  
Defendant

Case No.: 2:24-cv-00736-JAD-NJK

**Order Construing Plaintiff's Motion to  
Dismiss as a Notice of Voluntary Dismissal  
and Closing Case**

[ECF No. 6]

9 Pro se plaintiff Jessica M. Brown filed this civil-rights action against Officer Gomez in  
10 April 2024.<sup>1</sup> Because she is proceeding without the prepayment of fees in this case, her  
11 complaint is awaiting screening under 28 U.S.C. § 1915, and the defendant has not been served.  
12 On September 16, 2024, Brown filed a document that was docketed as a “motion to dismiss.”<sup>2</sup>  
13 She states that she is “trying to dismiss this case” to focus on other cases she is involved in.<sup>3</sup>

14 Federal Rule of Civil Procedure 41 permits a plaintiff to “dismiss an action without a  
15 court order by filing . . . a notice of dismissal before the opposing party serves either an answer  
16 or a motion for summary judgment . . . .”<sup>4</sup> I construe Brown’s motion as a notice of voluntary  
17 dismissal and, because the defendant has not yet been served, I order the Clerk of Court to  
18 dismiss this case without prejudice.

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<sup>1</sup> ECF No. 1.

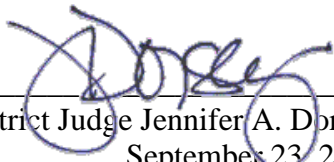
<sup>2</sup> ECF No. 6.

<sup>3</sup> *Id.* at 1.

<sup>4</sup> Fed. R. Civ. P. 41(a)(1)(A)(i).

1 **Conclusion**

2 IT IS THEREFORE ORDERED that Jessica M. Brown’s motion to dismiss [ECF No. 6]  
3 is construed as a notice of voluntary dismissal under Federal Rule of Civil Procedure  
4 41(a)(1). The Clerk of Court is thus directed to DISMISS without prejudice and CLOSE  
5 this case.

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8 U.S. District Judge Jennifer A. Dorsey  
9 September 23, 2024