

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

Domonic R. Malone,

Case No. 2:24-cv-00745-CDS-BNW

Plaintiff

Order Confirming Voluntary Dismissal and Closing Case

V.

Heather Baca-Cook, et al.,

Defendants

Plaintiff Domonic Malone brings this civil rights action to redress constitutional
violations that he allegedly suffered while incarcerated at High Desert State Prison. In response to
the court's February 5, 2025, screening order setting a deadline for Malone to file an amended
complaint, he filed a motion to dismiss this action with prejudice, arguing that he is unable to
litigate here because his criminal case is pending retrial in state court, and wants this action
dismissed consistent with the February 5th order. (ECF No. 13). I construe Malone's motion to be
a voluntary dismissal under Federal Rule of Civil Procedure 41(a)(1)(A)(i) voluntarily dismissing this action.
Voluntary dismissals do not require a court order when, like here, no party has served "either an
answer or a motion for summary judgment[.]" Fed. R. Civ. P. 41(a)(1)(A)(i).

It is therefore ordered that the motion for voluntary dismissal (ECF No. 13) is construed as a notice of voluntary dismissal under Rule 41(a)(1)(A)(i), and this action is **DISMISSED** with prejudice. The Clerk of Court is kindly instructed to close this case.

I further order that the application to proceed *in forma pauperis* [ECF No. 1] is denied as moot. 

Dated: March 10, 2025



Cristina D. Silva
United States District Judge