

1 UNITED STATES DISTRICT COURT  
2 DISTRICT OF NEVADA

3 Domonic R. Malone,

4 Plaintiff

5 v.

6 Heather Baca-Cook, et al.,

7 Defendants

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

Order Confirming Voluntary  
Dismissal and Closing Case

8  
9 Plaintiff Domonic Malone brings this civil-rights action to redress constitutional  
10 violations that he allegedly suffered while incarcerated at High Desert State Prison. In response to  
11 the court's February 5, 2025, screening order setting a deadline for Malone to file an amended  
12 complaint, he filed a motion to dismiss this action with prejudice, arguing that he is unable to  
13 litigate here because his criminal case is pending retrial in state court, and wants this action  
14 dismissed consistent with the February 5th order. (ECF No. 13). I construe Malone's motion to be  
15 a notice under Federal Rule of Civil Procedure 41(a)(1)(A)(i) voluntarily dismissing this action.  
16 Voluntary dismissals do not require a court order when, like here, no party has served "either an  
17 answer or a motion for summary judgment[.]" Fed. R. Civ. P. 41(a)(1)(A)(i).

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

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

23 Dated: March 10, 2025

24   
25 Cristina D. Silva  
26 United States District Judge  
27  
28