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**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

ROGER BRENT DAVIS,)	
)	
Plaintiff,)	3:08-cv-00421-LRH-VPC
)	
vs.)	
)	<u>ORDER</u>
HOWARD SKOLNIK, <i>et al.</i> ,)	
)	
Defendants.)	
	/	

Plaintiff is a state prisoner proceeding *pro se* in this civil rights action pursuant to 42 U.S.C. § 1983. Before the court is plaintiff’s motion for voluntary dismissal of this action (Docket # 8).

Pursuant to Rule 41(a)(1)(A), Federal Rules of Civil Procedure, a plaintiff may voluntarily dismiss an action without court order by filing a notice of dismissal before the opposing party files either an answer or a motion for summary judgment. Such a dismissal is without prejudice unless the motion states otherwise. Fed.R.Civ.Pro. 41(a)(1)(B). Defendants have not yet appeared in this action. Accordingly, the court will grant plaintiff’s motion.

IT IS THEREFORE ORDERED that plaintiff’s motion for voluntary dismissal of this action is **GRANTED** (Docket # 8) and this action is **DISMISSED WITHOUT PREJUDICE**.

IT IS FURTHER ORDERED that all other pending motions in this action are **DENIED** as moot.

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IT IS FURTHER ORDERED that the clerk shall **ENTER JUDGMENT** accordingly and
CLOSE THIS CASE.

Dated this 14th day of April, 2009.



LARRY R. HICKS
UNITED STATES DISTRICT JUDGE