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UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

\* \* \*

LANCE REBERGER,

Plaintiff,

v.

MICHAEL BYRNE, et al.,

Defendants.

Case No. 3:15-cv-00064-MMD-VPC

ORDER

**I. DISCUSSION**

Plaintiff, a *pro se* prisoner, previously filed an application to proceed *in forma pauperis* and a motion for temporary restraining order and permanent injunction. (Dkt. no. 1, 1-1.) This Court denied the application to proceed *in forma pauperis* because Plaintiff had three strikes pursuant to 28 U.S.C. § 1915(g) and denied the motion for temporary restraining order and permanent injunction. (Dkt. no. 3 at 2, 5.)

Plaintiff now files a motion for voluntary dismissal. (Dkt. no. 6.) Pursuant to Federal Rule of Civil Procedure 41(a)(1), a plaintiff may dismiss an action without a court order by filing “a notice of dismissal before the opposing party serves either an answer or a motion for summary judgment.” Fed. R. Civ. P. 41(a)(1)(A)(i). The Court grants Plaintiff’s motion to voluntarily dismiss this action because no responsive pleading has been filed in this case. As such, the Court dismisses this action without prejudice.

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**II. CONCLUSION**

For the foregoing reasons, it is ordered that the motion for voluntary dismissal (dkt. no. 6) is granted.

It is further ordered that this action is dismissed in its entirety without prejudice.

It is further ordered that the Clerk of the Court shall enter judgment accordingly.

DATED THIS 6<sup>th</sup> day of March 2015.



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MIRANDA M. DU  
UNITED STATES DISTRICT JUDGE