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UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

\* \* \*

BENJAMIN W. ESPINOSA,

Plaintiff,

v.

JAMES DZURENDA, et al.,

Defendants.

Case No. 3:16-cv-00613-MMD-CBC

ORDER

Plaintiff, a pro se prisoner, previously filed an application to proceed in forma pauperis and submitted an amended civil rights complaint pursuant to 42 U.S.C. § 1983. (ECF Nos. 1, 7.) The Court screened the original complaint (ECF Nos. 1-1, 6) but has not yet screened the amended complaint.

Plaintiff now files a motion for voluntary dismissal. (ECF No. 9.) 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.

For the foregoing reasons, it is ordered that the motion for voluntary dismissal (ECF No. 9) 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 enter judgment accordingly.

DATED THIS 1<sup>st</sup> day of October 2018.



MIRANDA M. DU  
UNITED STATES DISTRICT JUDGE