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UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

* * *

BENJAMIN W. ESPINOSA,

Plaintiff,

v.

JAMES DZURENDA, *et al.*,

Defendants.

Case No. 3:17-cv-00189-MMD-WGC

ORDER

Plaintiff, a *pro se* prisoner, previously filed an application to proceed *in forma pauperis*, a civil rights complaint, and a motion for preliminary injunction-TRO. (ECF No. 1, 1-1, 1-2.) The Court has not screened Plaintiff's complaint.

Plaintiff now files a motion for voluntary dismissal. (ECF No. 3.) 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. 3) 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 10th day of July 2017.


MIRANDA M. DU
UNITED STATES DISTRICT JUDGE