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28UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

STEVE COLEMAN,

Plaintiff,

v.

ROBINSON, et al.,

Defendants.

\* \* \*

Case No. 3:17-cv-00310-MMD-WGC

ORDER

Pro se Plaintiff Steve Coleman, currently incarcerated in the custody of the Nevada Department of Corrections (“NDOC”), sued multiple defendants under 42 U.S.C. § 1983 for events that occurred while he was incarcerated at Warm Springs Correctional Center. (ECF No. 3 at 1, 3.) Before the Court is Plaintiff’s motion for voluntary dismissal of this case (the “Motion”). (ECF No. 60.) Plaintiff represents that Defendants do not oppose his Motion. (Id. at 3.) As further explained below, the Court will grant the Motion and deny the other pending motions (ECF Nos. 50, 52) as moot.

Plaintiff may seek dismissal of this action pursuant to Fed. R. Civ. P. 41(a)(2) if—as here (ECF No. 20)—the opposing party has already served an answer. Rule 41(a)(2) provides “an action may be dismissed at the plaintiff’s request only by court order, on terms that the court considers proper.” The decision to grant or deny a request pursuant to Rule 41(a)(2) is within the sound discretion of the trial court and is reviewed only for abuse of discretion. See *Sams v. Beech Aircraft Corp.*, 625 F.2d 273, 277 (9th Cir. 1980) (citation omitted). Dismissal pursuant to Rule 41(a)(2) should be granted unless the defendant can show that it will suffer some plain legal prejudice as a result. See *Smith v. Lenches*, 263 F.3d 972, 975 (9th Cir. 2001). As no opposition has yet been filed to Plaintiff’s motion, and Plaintiff represents that Defendants do not oppose dismissal of

1 this case (ECF No. 60 at 3), the Court finds good cause exists to grant Plaintiff's Motion  
2 and dismiss this case.

3 It is therefore ordered that Plaintiff's motion for voluntary dismissal (ECF No. 60)  
4 is granted.

5 It is further ordered that this case is dismissed in its entirety, without prejudice.

6 It is further ordered that Plaintiff's pending motions in limine (ECF Nos. 50, 52) are  
7 denied as moot.

8 The Clerk of Court is directed to enter judgment accordingly and close this case.

9 DATED THIS 3<sup>rd</sup> day of January 2020.



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11 MIRANDA M. DU  
12 CHIEF UNITED STATES DISTRICT JUDGE  
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