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UNITED STATES DISTRICT COURT

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DISTRICT OF NEVADA

4

TYLER BOLDEN,

Case No. 3:23-cv-00651-ART-CLB

5

Plaintiff,

ORDER

6

v.

7

SCOTT DAVIS, et al.,

8

Defendants.

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10 **I. DISCUSSION**

11 *Pro se* Plaintiff Tyler Bolden has filed a form document titled “Petitioner’s
12 Declaration of Election to Dismiss Petition.” (ECF No. 6.) The form document is
13 for a habeas corpus case, rather than a civil rights case such as this. However,
14 in light of Plaintiff’s *pro se* status, the Court construes the motion a request to
15 voluntarily to dismiss this civil rights action.¹ Under Federal Rule of Civil
16 Procedure 41(a)(1), a plaintiff may dismiss an action without a court order by
17 filing “a notice of dismissal before the opposing party serves either an answer or
18 a motion for summary judgment.” Fed. R. Civ. P. 41(a)(1)(A)(i). No answer or
19 motion for summary judgment has been filed. Therefore, the Court grants the
20 motion and dismisses this action without prejudice.

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27 ¹ If Plaintiff did not intend to voluntarily dismiss this case, he may file a
28 request to reopen the case within 30 days, together with an explanation of the
purpose of this motion.

1 **II. CONCLUSION**

2 For the foregoing reasons, it is ordered that the Court construes Plaintiff's
3 Declaration of Election to Dismiss Petition (ECF No. 6) as a motion for voluntary
4 dismissal and grants the motion. This action is dismissed in its entirety without
5 prejudice.

6 It is further ordered that Plaintiff's application to proceed *in forma pauperis*
7 (ECF No. 3) is denied as moot.

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9 Dated this 30th day of August 2024.

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12 _____
13 ANNE R. TRAUM
14 UNITED STATES DISTRICT JUDGE
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