

**UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF OKLAHOMA**

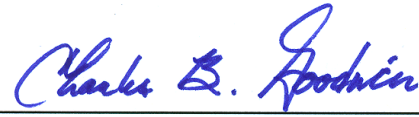
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|------------------------------|---|------------------------------|
| RICHARD LYNN DOPP, |) | |
| |) | |
| Plaintiff, |) | |
| |) | |
| v. |) | Case No. CIV-17-816-D |
| |) | |
| BUDDY HONAKER et al., |) | |
| |) | |
| Defendants. |) | |

ORDER

On July 9, 2018, Plaintiff Richard L. Dopp, appearing pro se, filed a Notice of Voluntary Dismissal (Doc. No. 25) pursuant to Federal Rule of Civil Procedure 41(a)(1)(A)(i).

Because no defendant has answered or moved for summary judgment, Plaintiff's notice operates as a dismissal of this lawsuit "without a court order." *See* Fed. R. Civ. P. 41(a)(1)(A)(i); *Janssen v. Harris*, 321 F.3d 998, 999-1001 (10th Cir. 2003) (holding that order of dismissal was a nullity because "[u]nder Rule 41(a)(1)(i) [now Rule 41(a)(1)(A)(i)], a plaintiff has an absolute right to dismiss without prejudice and no action is required on the part of the court"); *De Leon v. Marcos*, 659 F.3d 1276, 1283 (10th Cir. 2011) (explaining that the filing of a motion to dismiss does not affect a plaintiff's right to unilaterally dismiss his case under Fed. R. Civ. P. 41(a)(1)(A)(i)). The filing of a Rule 41(a)(1)(A)(i) notice "closes the file" and "the court has no role to play." *Janssen*, 321 F.3d at 1000 (internal quotation marks omitted). This action therefore is deemed dismissed without prejudice effective July 9, 2018.

IT IS SO ORDERED this 9th day of July, 2018.



CHARLES B. GOODWIN
UNITED STATES MAGISTRATE JUDGE