

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
BROWNSVILLE DIVISION

United States District Court  
Southern District of Texas  
ENTERED

JUN 10 2008

Michael N. Milby, Clerk of Court  
By Deputy Clerk 

GUALBERTO HUERTA, ET AL,

Plaintiffs,

V.

CARLOS GARCIA, ET AL,

Defendants.


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CIVIL ACTION NO. B-07-39

OPINION & ORDER

BE IT REMEMBERED that on June 10, 2008, the Court **GRANTED** Plaintiff Gualberto Huerta's Motion to Dismiss, Dkt. No. 70. In the instant motion Plaintiff seeks to dismiss all outstanding claims pursuant to Rule 41(a)(1)(i). *Id.* FED. R. CIV. P. 41(a)(1)(i) ("[A]n action may be dismissed by the plaintiff without an order of court . . . by filing a notice of dismissal at any time before service by the adverse party of an answer or of a motion for summary judgment, whichever occurs first."). Plaintiff had not served the Brownsville ISD Defendants. Therefore, pursuant to Federal Rule of Civil Procedure 42(a)(1)(i), the Court **GRANTS** Plaintiff's Motion to Dismiss. All outstanding motions are **DISMISSED** as moot. The District Clerk is **ORDERED** to close this case.

DONE at Brownsville, Texas, on June 10, 2008.

  
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Hilda G. Tagle  
United States District Judge