

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

GARY A. MORTON,  
Plaintiff,  
v.  
JASON MURATA,  
Defendant.

No. 2:15-cv-00277-SAB

**ORDER DISMISSING CASE**

On February 27, 2017 the Court issued an order to show cause, as no activity had occurred in this case in over one year. Plaintiff timely responded on March 6, 2017 and indicated to the Court that an action on the facts of this case is currently being pursued in a Hawaii state court. Plaintiff asks that this case be terminated.

Under Fed. R. Civ. P. 41(a)(1)(A), a Plaintiff may voluntarily dismiss a claim when the opposing party has not filed an answer or a motion for summary judgment. The Court grants Plaintiff's request and dismisses the case without prejudice according to Fed. R. Civ. P. 41(a)(1)(B).

//  
//  
//  
//  
//

**ORDER DISMISSING CASE ^ 1**

1 Accordingly, **IT IS HEREBY ORDERED** that:

2 1. The case and all of Plaintiff's claims are hereby **DISMISSED**  
3 **WITHOUT PREJUDICE.**

4 **IT IS SO ORDERED.** The Clerk of Court is directed to enter this Order,  
5 forward copies to counsel, and **CLOSE** the file.

6 **DATED** this 6th day of March, 2017.



10 A handwritten signature in blue ink that reads "Stanley A. Bastian".

11 Stanley A. Bastian  
12 Stanley A. Bastian  
13 United States District Judge  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28