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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

RICHARD THOMAS SUMMERS,

Plaintiff,

v.

CHELAN COUNTY DISTRICT COURT; CITY OF WENATCHEE POLICE DEPARTMENT; CITY OF WENATCHEE OFFICE OF CITY ATTORNEY; ROY FORE, Chelan County District Judge; ALICIA NAKATA, Chelan County Superior Judge; NANCY HARMON, Chelan County District Judge; RYAN WEATHERMAN, Wenatchee Police Badge #1K24; GUY BRYANT, Wenatchee Police Badge #1K22; JOSH VIRNIG, Wenatchee Police Badge #1K28; ANDY SUND, Wenatchee Police Badge #1K44; MELISSA BAILEY, City of Wenatchee Attorney; SAMANTHA ZIMMERMAN, City of Wenatchee Attorney; MICHAEL BRADFORD, City of Wenatchee Attorney; and THOMAS WARREN, Chelan County Pro Tempore Judge,

Defendants.

NO: 2:16-CV-0371-TOR

ORDER OF DISMISSAL WITHOUT PREJUDICE

1 BEFORE THE COURT is Plaintiff's Notice and Motion to Dismiss (ECF
2 No. 22). Because Defendants have neither filed an answer nor moved for summary
3 judgment, Plaintiff has an absolute right to voluntarily dismiss this case. Fed. R.
4 Civ. P. 41(a)(1)(A)(i).

5 **ACCORDINGLY, IT IS HEREBY ORDERED:**

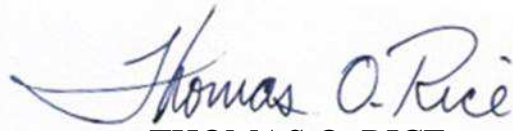
6 1. Plaintiff's Notice and Motion to Dismiss (ECF No. 22) is **GRANTED**. All
7 claims and causes of action in this matter are **DISMISSED** without prejudice
8 and without costs or fees to any party.

9 2. Defendants' Joint Motion to Dismiss for Improper Service and Failure to
10 State a Claim (ECF No. 13) is **DENIED** as moot.

11 The District Court Executive is directed to enter this Order, furnish copies to
12 the parties who have appeared, and **CLOSE** the file.

13 **DATED** April 17, 2017.



15 
16 THOMAS O. RICE
17 Chief United States District Judge