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7 UNITED STATES DISTRICT COURT
8 WESTERN DISTRICT OF WASHINGTON
9 AT SEATTLE

10 CURTIS RAY HARRIS,

11 Plaintiff,

12 v.

13 DON HARIG, *et al.*,

14 Defendants.
15

Case No. C17-813 RSM

ORDER OF DISMISSAL

16 This matter comes before the Court on Plaintiff Curtis Ray Harris's "Rule 4, Dismissal
17 Without Prejudice." Dkt. #15. Mr. Harris states that he wishes to have this action dismissed
18 without prejudice pursuant to Rule 41(a)(1)(A) and that "[n]o Answer or Motion for Summary
19 Judgement has yet been filed." *Id.*

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21 Mr. Harris is incorrect; an Answer has been filed in this case. *See* Dkt. #9.
22 Accordingly, dismissal may not be obtained under Rule 41(a)(1)(A), which allows for dismissal
23 via notice "before the opposing party serves either an answer or a motion for summary
24 judgment." However, rule 41 otherwise provides for dismissal at the plaintiff's request by
25 court order on terms that the court considers proper. Fed. R. Civ. P. 41(a)(2).
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1 The Court will interpret Mr. Harris's request under Rule 41(a)(2), and is satisfied that
2 dismissal will not prejudice Defendants, who separately move for dismissal without prejudice.
3 *See* Dkt. #10 at 3 n.2.

4 Accordingly, the Court hereby finds and ORDERS:

- 5 1) Plaintiff's claims are DISMISSED without prejudice. All pending motions are
6 terminated.
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8 2) This matter is CLOSED.

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10 DATED this 29th day of September 2017.
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13 RICARDO S. MARTINEZ
14 CHIEF UNITED STATES DISTRICT JUDGE
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