

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

CURTIS RAY HARRIS,

Case No. C17-813 RSM

Plaintiff,

ORDER OF DISMISSAL

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DON HARIG, *et al.*,

Defendants.

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

Mr. Harris is incorrect; an Answer has been filed in this case. See Dkt. #9. Accordingly, dismissal may not be obtained under Rule 41(a)(1)(A), which allows for dismissal via notice “before the opposing party serves either an answer or a motion for summary judgment.” However, rule 41 otherwise provides for dismissal at the plaintiff’s request by court order on terms that the court considers proper. Fed. R. Civ. P. 41(a)(2).

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.
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4 *See Dkt. #10 at 3 n.2.*

5 Accordingly, the Court hereby finds and ORDERS:

6 1) Plaintiff's claims are DISMISSED without prejudice. All pending motions are
7 terminated.

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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