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

10 AKIEL TAYLOR,

11 Plaintiff,

12 v.

13 LA TOYA DURHAM, et al.,

14 Defendants.

Case No. C18-539 RSM

ORDER GRANTING PLAINTIFF'S  
MOTION TO DISMISS AND DECLINING  
TO ADOPT REPORT AND  
RECOMMENDATION

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16 This matter comes before the Court on a filing from Plaintiff Akiel Taylor, received on  
17 May 18, 2018, and interpreted as a Motion to Dismiss Without Prejudice. Dkt. #8.

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19 On April 18, 2018, this Court issued an Order Declining Service and Granting Leave to  
20 Amend, giving Mr. Taylor until May 14, 2018, to correct certain deficiencies identified in his  
21 Complaint. Dkt. #6. On May 17, 2018, seeing no response from Plaintiff, the Honorable Brian  
22 A. Tsuchida issued a Report and Recommendation that this case be dismissed with prejudice.  
23 Dkt. #7. On May 18, 2018, the Court received the instant filing from Mr. Taylor, dated by  
24 Plaintiff as drafted on May 10, 2018. Dkt. #8.

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26 As an initial matter, the Court is concerned by the eight-day gap between the purported  
27 drafting of Mr. Taylor's Motion and its receipt by the Court. However, taking the May 10,  
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ORDER GRANTING PLAINTIFF'S MOTION TO DISMISS AND DECLINING TO ADOPT  
REPORT AND RECOMMENDATION - 1

1 2018 date at face value, the Court notes that Mr. Taylor's filing could be interpreted as a  
2 response to the earlier Order Declining Service and Granting Leave to Amend. In this filing,  
3 Mr. Taylor indicates that he does not wish to move forward with this case and that he intends to  
4 file after his release from custody by paying the filing fee instead of proceeding IFP. Dkt. #8 at  
5 1-2.

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7 The Court finds that Mr. Taylor has effectively filed a notice of voluntary dismissal  
8 under Federal Rule of Civil Procedure 41(a)(1). Based on the record before it, the Court finds  
9 that dismissal should be made without prejudice. Having so found, the Court declines to adopt  
10 as moot the pending Report and Recommendation.

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12 Having reviewed the relevant briefing and the remainder of the record, the Court hereby  
13 finds and ORDERS that Plaintiff Akiel Taylor's Motion to Dismiss Without Prejudice (Dkt.  
14 #8) is GRANTED. The Court DECLINES to adopt as moot the pending Report and  
15 Recommendation. Dkt. #7. Mr. Taylor need not file objections to that Report and  
16 Recommendation.

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18 DATED this 24<sup>th</sup> day of May 2018.

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21 RICARDO S. MARTINEZ  
22 CHIEF UNITED STATES DISTRICT JUDGE  
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