

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

ROBERT LANGENDOERFER,

Plaintiff,

Case No. C24-1328-BHS-SKV

V.

LINDA WILLIAMSON,

Defendant.

ORDER RE: PLAINTIFF'S REQUEST
TO WITHDRAW COMPLAINT

This is a civil rights action proceeding under 42 U.S.C. § 1983. On January 22, 2025, Plaintiff filed a motion for judgment on the pleadings which is currently ripe for review. *See id.* On February 18, 2025, the Court received from Plaintiff a responsive brief opposing Plaintiff's motion (Dkt. 31), and the Court received a reply brief from Defendant on February 25 (Dkt. 32). On March 3, 2025, the Court received from Plaintiff a document which he filed as a response to Defendant's reply. Dkt. 33. Plaintiff requests therein that he be allowed to withdraw his complaint and that he be granted leave to re-file his complaint correctly. Plaintiff's submission was posted on the Court's docket as a motion seeking leave to withdraw his complaint, and it was noted for consideration on March 24, 2025. *See id.*

ORDER RE: PLAINTIFF'S REQUEST
TO WITHDRAW COMPLAINT - 1

1 It is unclear from Plaintiff's most recent submission the precise nature of the relief he is
2 seeking. Plaintiff's submission could be construed as a request for voluntarily dismissal of this
3 action with leave to re-file it at a later date, *i.e.*, a dismissal without prejudice. Plaintiff's
4 submission could also be construed as a request for leave to amend his complaint. The Court
5 deems it necessary to have Plaintiff clarify his request and to give Defendant an opportunity to
6 respond before it proceeds to disposition of Defendant's pending motion for judgment on the
7 pleadings.

8 Plaintiff is advised that a voluntary dismissal at this juncture, if granted, will result in this
9 action being terminated and any attempt to pursue his claim at a later date will require that he file
10 a new action for which another filing fee will be assessed. Plaintiff is further advised that if his
11 desire is to amend his complaint, he must file a motion specifically requesting that he be granted
12 leave to amend and he must submit his motion together with a proposed amended complaint, in
13 accordance with Local Civil Rule ("LCR") 15(a).

14 Based on the foregoing, the Court ORDERS as follows:

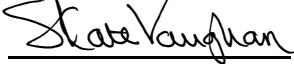
15 (1) Not later than ***March 31, 2025***, Plaintiff shall clarify his intentions by submitting
16 either a motion seeking voluntary dismiss of this action or a motion seeking leave to amend his
17 complaint together with a proposed amended complaint. Plaintiff shall serve a copy of his
18 motion on counsel for Defendant and shall note his motion on the Court's calendar for
19 consideration 21 days after the date on which it is filed. If Plaintiff fails to clarify his intentions
20 by the date set forth above, the Court will proceed to disposition of Defendant's motion for
21 judgment on the pleadings.

22 (2) Plaintiff's currently pending motion to withdraw his complaint (Dkt. 33) is
23 STRICKEN. Defendant's motion for judgment on the pleadings (Dkt. 22) is RE-NOTED on the

1 Court's calendar for consideration on ***March 31, 2025***. The Court may find it necessary to re-
2 note Defendant's motion again depending on the nature of Plaintiff's response to this Order.

3 (3) The Clerk is directed to send copies of this Order to Plaintiff, to counsel for
4 Defendant, and to the Honorable Benjamin H. Settle.

5 DATED this 12th day of March, 2025.

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8 S. KATE VAUGHAN
United States Magistrate Judge
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