

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF KANSAS**

STEVEN P. MILLER,

*Plaintiff,*

vs.

Case No. 18-CV-1161-EFM

FEDERAL BUREAU OF  
INVESTIGATIONS,

*Defendant.*

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**MEMORANDUM AND ORDER**

Plaintiff Steven P. Miller filed this declaratory judgment action on June 5, 2018, seeking an order from this Court that his prior conviction in Wichita Municipal Court did not render him a prohibited person under 18 U.S.C. §§ 921(a)(33) and 922(g). This matter comes before the Court on Plaintiff's August 23, 2018, Motion to Dismiss Without Prejudice (Doc. 13). Defendant has not yet filed an answer or other responsive pleading to Plaintiff's Complaint, and does not oppose the motion. Fed. R. Civ. P. 41(a)(1)(A) allows a plaintiff to dismiss an action "without a court order by filing . . . a notice of dismissal before the opposing party serves either an answer or a motion for summary judgment." Plaintiff filed the current motion before Defendant filed an answer or other responsive pleading, and may therefore dismiss this action as of right. Accordingly, the Court grants Plaintiff's motion to dismiss without prejudice.

**IT IS THEREFORE ORDERED** that (Doc. 13) is **GRANTED**.

**This case is closed.**

**IT IS SO ORDERED.**

Dated this 24th day of August, 2018.

A handwritten signature in cursive script that reads "Eric F. Melgren".

ERIC F. MELGREN  
UNITED STATES DISTRICT JUDGE