

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

STEVEN KYLE DAVIS,

Plaintiff,

v.

CASE NO. 21-cv-3071-SAC

LAURA KELLY,

Defendant.

ORDER

This matter is before the Court on a Motion to Retract Lawsuits (Doc. 5) filed by Plaintiff. Plaintiff asks that this matter be dismissed.

The Court must construe liberally Plaintiff's filing because he submitted the motion on his own behalf. *See Haines v. Kerner*, 404 U.S. 519, 520–21 (1972); *Hall v. Bellmon*, 935 F.2d 1106, 1110 (10th Cir. 1991). Therefore, the Court construes Doc. 5 liberally as a notice of voluntary dismissal pursuant to Rule 41(a)(1) of the Federal Rules of Civil Procedure.

Rule 41(a)(1) provides that “the plaintiff may dismiss an action without a court order by filing (i) a notice of dismissal before the opposing party serves either an answer or a motion for summary judgment.” No response to the Complaint has been filed by the defendant in this action. A voluntary dismissal pursuant to Rule 41(a)(1) is effective immediately upon the filing of a written notice of dismissal, and no subsequent court order is necessary. *See Hyde Constr. Co. v. Koehring Co.*, 388 F.2d 501, 507 (10th Cir. 1968). The notice closes the file. *See id.*

IT IS THEREFORE ORDERED BY THE COURT that Plaintiff's motion to dismiss this action is **granted**, and Doc. 5 is construed as a notice of voluntary dismissal pursuant to Fed. R. Civ. P. 41(a)(1).

IT IS FURTHER ORDERED that the voluntary dismissal is effective as of July 28, 2021, the date Plaintiff's notice was filed.

IT IS SO ORDERED.

Dated August 2, 2021, in Topeka, Kansas.

s/ Sam A. Crow
SAM A. CROW
U. S. Senior District Judge