

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA

Guevara v. Valley State Prison

Guevara · No. 1:24-cv-01290-EPG (PC) · Decided February 21, 2025

SUMMARY

The United States District Court for the Eastern District of California construed Plaintiff Michael Guevara’s filing as a notice of voluntary dismissal under Federal Rule of Civil Procedure 41(a)(1)(A) (i). Because the defendants had not been served, the court directed the clerk to close the action without prejudice.

CASE DETAILS

COURT	United States District Court for the Eastern District of California
WRITING FOR THE COURT	Erica P. Grosjean
JURISDICTION	United States District Court for the Eastern District of California
DECIDED	February 21, 2025
DOCKET	1:24-cv-01290-EPG (PC)
DISPOSITION	dismissed
PROCEDURAL POSTURE	After the court found no cognizable claims on screening and gave Plaintiff options including amendment or voluntary dismissal, Plaintiff filed a notice requesting dismissal without prejudice. The court construed the filing as a notice of voluntary dismissal under Federal Rule of Civil Procedure 41(a)(1)(A)(i) and closed the action.
PRECEDENTIAL VALUE	unpublished, nonprecedential district-court order

TOPICS

- civil procedure
- section 1983
- prisoners rights
- pleadings

PRACTICE AREAS

- civil rights
- civil procedure
- prisoner litigation

QUESTIONS PRESENTED

- Whether Plaintiff's filing should be construed as a notice of voluntary dismissal under Federal Rule of Civil Procedure 41(a)(1)(A)(i).

2. Whether the action was terminated upon Plaintiff's filing of the notice of voluntary dismissal before service on any defendant.

HOLDINGS

1. The court construed Plaintiff's request to dismiss as a notice of voluntary dismissal under Federal Rule of Civil Procedure 41(a)(1)(A)(i).
2. The voluntary-dismissal notice terminated the action.

KEY QUOTATIONS

"The Court construes Plaintiff's filing as a notice of voluntary dismissal pursuant to Federal Rule of Civil Procedure 41(a)(1)(A)(i). Therefore, this action has been terminated." (at 1)

FACTUAL BACKGROUND

Guevara is a state prisoner proceeding pro se and in forma pauperis in a § 1983 action against Valley State Prison and other defendants. The defendants had not been served when Guevara filed a request for dismissal without prejudice after the court's screening order found no cognizable claims.

PROCEDURAL HISTORY

Michael Guevara filed a pro se and in forma pauperis civil-rights action under 42 U.S.C. § 1983. On February 3, 2025, the court screened the complaint, found no cognizable claims, and allowed thirty days to amend, stand on the complaint, or voluntarily dismiss. Before Defendants were served, Guevara requested voluntary dismissal, and the court terminated the action and directed the Clerk to close the case.

DISPOSITION

dismissed

CASES CITED

- Wilson v. City of San Jose, 111 F.3d 688, 692 (9th Cir. 1997)

OPINION

1 2 3 4 5 6 7 8 UNITED STATES DISTRICT COURT 9 EASTERN DISTRICT OF
CALIFORNIA 10 11 MICHAEL GUEVARA, Case No. 1:24-cv-01290-EPG (PC) 12 Plaintiff, 13
v. ORDER RE: NOTICE OF VOLUNTARY DISMISSAL 14 VALLEY STATE PRISON, et al.,
(ECF No. 9) 15 Defendants. 16 17 18 Plaintiff Michael Guevara is a prisoner proceeding pro se
and in forma pauperis in this 19 civil rights action filed pursuant to 42 U.S.C. § 1983.1 On
February 3, 2025, this Court issued a 20 screening order, finding no cognizable claims, but giving
Plaintiff thirty days to file an amended 21 complaint, notify the Court that he wants to stand on his
Complaint, or file a notice to of 22 voluntary dismissal.

(ECF No. 8). 23 On February 19, 2025, Plaintiff filed a request that his “previous case (1:24-cv-01290- 24 EPG), be dismissed with out [sic] prejudice as requested (3) File A Notice of Voluntary 25 Dismissal.” (ECF No. 9). 26 The Court construes Plaintiff's filing as a notice of voluntary dismissal pursuant to Federal 27 Rule of Civil Procedure 41(a)(1)(A)(i).

Therefore, this action has been terminated. Fed. R. Civ. 28 1 The Defendants have not yet been served in this action. 1 | P.41(a)(1)(A)G); *Wilson v. City of San Jose*, 111 F.3d 688, 692 (9th Cir. 1997). Accordingly, the 2 | Clerk of Court is respectfully directed to assign a district judge to this case for the purposes of 3 | closing the case and then to close the case.

4; IT IS SO ORDERED. Dated: _ February 21, 2025 [Jee ey ☐☐ 7 UNITED STATES MAGISTRATE JUDGE 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28