

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PRECEDENTIAL VALUE	unpublished, nonprecedential district-court order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)