

**UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA**

Frankie Weisner v. Jeffrey Macomber, et al.

No. 1:25-cv-00919-EPG (PC), United States District Court for the Eastern District of California (September 11,
2025)

SUMMARY

The United States District Court for the Eastern District of California construed Plaintiff Frankie Weisner's filing as a notice of voluntary dismissal under Federal Rule of Civil Procedure 41(a)(1)(A)(i). Because no defendant had served an answer or motion for summary judgment, the court dismissed the action without prejudice and directed the Clerk to close the case.

OPINION

1 2 3 4 5 6 UNITED STATES DISTRICT COURT 7 EASTERN DISTRICT OF CALIFORNIA 8
9 FRANKIE WEISNER, Case No. 1:25-cv-00919-EPG (PC) 10 Plaintiff, 11 v. ORDER
REGARDING NOTICE OF VOLUNTARY DISMISSAL WITHOUT 12 JEFFREY
MACOMBER, et al., PREJUDICE 13 Defendants. (ECF No. 18) 14 15 Plaintiff Frankie Weisner
is incarcerated and proceeds pro se and in forma pauperis in this 16 action brought under 42
U.S.C. § 1983.

(ECF No. 1). 17 On September 8, 2025, Plaintiff Frankie Weisner filed a "Notice of Motion and
Voluntary 18 Dismissal of Etc" which states "Plaintiff(s) Frankie Weisner et. al. hereby move the
Court for an 19 Order to Dismiss the First Amended Complaint, voluntarily." (ECF No. 18). 20
The Court construes these filings as a notice of voluntary dismissal without prejudice 21 under
Federal Rule of Civil Procedure 41(a)(1)(A)(i), which permits a Plaintiff to dismiss an 22 action
without a court order by filing "a notice of dismissal before the opposing party serves 23 either an
answer or a motion for summary judgment." Notably, Plaintiff states his intention to 24
voluntarily dismiss this case without prejudice and no Defendant has served an answer or motion
25 for summary judgment.

26 Accordingly, in light of the voluntary dismissal, this action has been terminated, Fed. R. 27
Civ. P. 41(a)(1)(A)(i), and has been dismissed without prejudice. See *Wilson v. City of San Jose*,
111 F.3d 688, 692 (9th Cir. 1997). 28 1 The Clerk of Court is respectfully directed to terminate
any pending dates and deadlines 2 | and to close the case. 3 4 IT IS SO ORDERED. | Dated: _
September 10, 2025 [see hey 6 UNITED STATES MAGISTRATE JUDGE 8 9 10 11 12 13 14 15
16 17 18 19 20 21 22 23 24 25 26 27 28

