

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)

OPINION

Macomber

PER CURIAM.

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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

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