

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

CHRISTOPHER DEMITRY,

Plaintiff,

v.

FAUQUIER COUNTY GOVERNMENT, *et al.*,

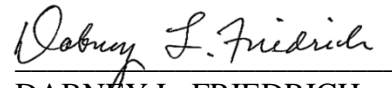
Defendants.

Civil Action No. 18-1177 (DLF)

MEMORANDUM OPINION

In his complaint, the plaintiff Christopher Demitry asserts several grievances against four defendants: Fauquier County Government, Service First Management and Consulting, Inc., Snow Hill Homeowner’s Association, Inc., and Virginia Department of Transportation. Before the Court are defendants’ motions to dismiss the complaint. *See* Dkt. 3; Dkt. 4; Dkt. 5; Dkt. 7. All four defendants argue, among other things, that this Court lacks subject matter jurisdiction to address Demitry’s claims. In response to the defendants’ motions, Demitry asks the Court to dismiss the case without barring the resubmission of his claims to the appropriate venue. *See* Dkt. 9; Dkt. 10; Dkt. 11; Dkt. 12. Under Rule 41(a)(1) of the Federal Rules of Civil Procedure, a plaintiff may voluntarily dismiss an action “before the opposing party serves either an answer or a motion for summary judgment.” Fed. R. Civ. P. 41(a)(1)(A)(i); *see also Mitchell v. United States Bank Nat’l Ass’n*, 293 F. Supp. 3d 209, 213 (D.D.C. 2018) (citations omitted) (“[V]oluntary dismissal is available where the defendant files a Rule 12(b) motion that does not rely on materials outside the pleadings.”). That voluntary dismissal is without prejudice unless the plaintiff’s notice of dismissal specifies otherwise. Fed. R. Civ. P. 41(a)(1)(B).

Accordingly, pursuant to Rule 41(a)(1), this case is dismissed without prejudice. The defendants' pending motions to dismiss are denied as moot. The Clerk of Court shall close this case. A separate order consistent with this decision accompanies this memorandum opinion.

A handwritten signature in cursive script, reading "Dabney L. Friedrich", is positioned above a horizontal line.

DABNEY L. FRIEDRICH
United States District Judge

Date: August 1, 2018