UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

CHARLES WEINSCHENK, Plaintiff, v. CENTRAL INTELLIGENCE AGENCY, et al., Defendants.	Civil Action No. 20-2510 (CKK)

MEMORANDUM OPINION
(November 9, 2021)

On June 24, 2021, this Court dismissed Plaintiff's *pro se* action "in its entirety for lack of subject-matter jurisdiction." Mem. Op. & Order, ECF No. 26, at 5. In response, Plaintiff filed a motion for reconsideration of the Court's dismissal order on June 30, 2021. *See* Pl.'s Mot., ECF No. 29, at 1. On July 12, 2021, however, Plaintiff then filed an "Expedited Request for Dismissal." Therein, Plaintiff requested a voluntary dismissal order under Federal Rule of Civil Procedure 41(a)(2), based on his desire to "voluntarily cede th[is] matter." Pl.'s Mot., ECF No. 30, at 1. In that same motion, Plaintiff also requested that the Court "dismiss[] the action prior to ruling on the pending . . . Request for Reconsideration." *Id.* at 2.

Plaintiff's [29] Motion for Reconsideration and [30] Expedited Request for Dismissal are presently pending before the Court. First, the Court will deny the [29] Motion for Reconsideration as moot. This ruling comports with Plaintiff's decision to "voluntarily cede" his position in this case, *id.* at 1, and his corresponding request for the Court not to rule on his motion for reconsideration, but instead deny that motion as moot, *see id.* at 2 (The "Court's indulgence is requested in denying [the] pending motion as moot at the plaintiff's request.").

Second, the Court will also deny Plaintiff's "Expedited Request for Dismissal." Again, this motion asks the Court for a voluntary dismissal order under Federal Rule of Civil Procedure 41(a)(2). As a general matter, courts grant dismissals under Rule 41(a)(2) "unless the defendant would suffer prejudice other than the prospect of a second lawsuit or some tactical disadvantage." *Conafay v. Wyeth Labs.*, 793 F.2d 350, 353 (D.C. Cir. 1986). Nonetheless, courts evaluating Rule 41(a)(2) motions also consider "the adequacy of the plaintiff's explanation for voluntary dismissal" and "the stage of the litigation at the time the motion to dismiss is made." *Mitchell v. U.S. Bank Nat'l Ass'n for Wells Fargo Asset Sec. Corp. Mortg. Pass-Through Certificates Series 2006-AR4*, 293 F. Supp. 3d 209, 213 (D.D.C. 2018). Here, Plaintiff requests a Rule 41(a)(2) dismissal order *after* the Court has already dismissed this case for lack of subject-matter jurisdiction. *See* Mem. Op. & Order, ECF No. 26, at 5. And Plaintiff offers no plausible explanation why a subsequent Rule 41(a)(2) dismissal order would be necessary or appropriate at this juncture. Under these circumstances, the Court does not find that Plaintiff's request for a voluntary dismissal order is warranted.

Dated: November 9, 2021

/s/
COLLEEN KOLLAR-KOTELLY
United States District Judge