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UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

MALIBU MEDIA, LLC, A)
CALIFORNIA LIMITED)
LIABILITY COMPANY,)
Plaintiff,)
v.)
DAVID HICKS, AN)
INDIVIDUAL,)
Defendants.

Case No. EDCV 12-01550 VAP
(SPx)

**ORDER DISMISSING COMPLAINT
WITHOUT PREJUDICE**

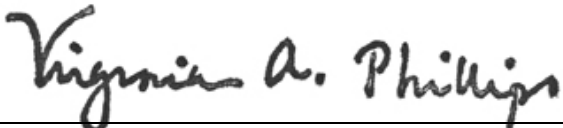
Plaintiff Malibu Media, LLC filed a Complaint against Defendant David Hicks on September 11, 2012 (Doc. No. 1). On that same day, Plaintiff was notified to file the required Report on the Filing or Determination of an Action Regarding a Patent or Trademark (form AO-120) and/or Report on the Filing or Determination of an Action or Appeal Regarding a Copyright (form AO-121), by September 21, 2012. Plaintiff had not, and still has not, submitted either AO-120 or AO-121.

1 On November 8, 2012, the Court issued an order to
2 show cause in writing, no later than November 19, 2012,
3 as to why the action should not be dismissed for failure
4 to prosecute.

5
6 Plaintiff did not file a response to the Court's
7 order. Instead, on November 19, 2012, Plaintiff filed a
8 notice voluntarily dismissing Defendant David Hicks,
9 pursuant to FRCP 41 (Doc. No. 10). A Plaintiff "may
10 dismiss an action without a court order by filing [] a
11 notice of dismissal before the opposing party serves
12 either an answer or a motion for summary judgment." Fed.
13 R. Civ. P. 41(a)(1)(A). Defendant has neither answered
14 Plaintiff's Complaint nor filed a motion for summary
15 judgment.

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17 Accordingly, the Court DISMISSES without prejudice
18 the Complaint.

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20 Dated: November 20, 201



VIRGINIA A. PHILLIPS
United States District Judge

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