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**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLORADO**

Civil Action No. 1:12-cv-00845-MSK-MEH

MALIBU MEDIA, LLC.

Plaintiff,

v.

JOHN DOE 2,

Defendants.

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**PLAINTIFF'S NOTICE OF VOLUNTARY  
DISMISSAL WITHOUT PREJUDICE OF JOHN DOE 2**

**PLEASE TAKE NOTICE**, Plaintiff hereby voluntary dismisses Defendant, John Doe 2 from this action without prejudice. Defendant was assigned IP address 50.134.131.187. Plaintiff recently received the name and identifying information of Defendant in this case and is unable to coordinate service of process to properly serve said Defendant by the Rule 4(m) deadline. Plaintiff plans on further investigating and confirming the information provided by the Internet Service Provider and will re-file and serve Doe Defendant if it deems necessary. Pursuant to Fed.R.Civ.P. 41(a)(1)(A)(i) Defendant has neither answered Plaintiff's Complaint nor filed a motion for summary judgment.

Consistent herewith Plaintiff consents to the Court having its case closed for administrative purposes.

Dated: August 31, 2012

Civil Action No. 1:12-cv-00845-MSK-MEH

Respectfully submitted,

By: /s/ Jason Kotzker

Jason Kotzker

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*Attorney for Plaintiff*

**CERTIFICATE OF SERVICE**

I hereby certify that on August 31, 2012, I electronically filed the foregoing document with the Clerk of the Court using CM/ECF and that service was perfected on all counsel of record and interested parties through this system.

By: /s/ Jason Kotzker

Jason Kotzker