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5 Pro se

6 **UNITED STATES DISTRICT COURT**
7 **NORTHERN DISTRICT OF CALIFORNIA**

9)	Case No. 3:24-cv-00727-AGT
10	OLIVER D. SMITH)	
)	
11	Plaintiff,)	NOTICE OF VOLUNTARY DISMISSAL
)	
12	vs.)	(OF DEFENDANT JOHN DOE)
)	
13)	
14	JOHN DOE)	
)	
15	Defendant)	

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17 The Plaintiff Oliver D. Smith (“**ODS**”) cannot definitely identify the John Doe Defendant; owner
18 of the Cancel Watch newsletter/blog hosted by Substack Inc. The latter in a recent email stated they
19 would object to any subpoena. They almost certainly have access to John Doe’s private information
20 to unmask the anonymous Defendant but will not voluntarily disclose it to ODS. John Doe has refused
21 to respond to any of ODS’s messages and so wants to remain anonymous. Although ODS can make
22 a decent argument to subpoena the John Doe Defendant based on the *Dendrite*¹ test this would likely
23 be denied based on First Amendment which protects freedom of speech including anonymous speech.
24 Secondly, ODS has had difficulty navigating the US legal system as a pro se litigant. Obtaining a Doe
25 subpoena appears complex. For these reasons, the Plaintiff dismisses his claim against the John Doe
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28 ¹ *Dendrite v. Doe*, 342 N.J. Super. 134, 775 A.2d 756 (App. Div. 2001).

1 Defendant under Federal Rule of Civil Procedure 41(a)(1)(A)(i) because the opposing party (John
2 Doe) has not served an answer to the second amended complaint nor a motion for summary judgment.
3 Note that the separate Defendant in this case, Substack Inc., was earlier dismissed (see ECF No. 49).
4 Although the Plaintiff's litigation ends in this court, ODS plans to file a libel claim against John Doe
5 in the High Court of Justice (KBD) in London. The High Court can file an injunctive relief against
6 persons unknown, including upon summary judgment basis. It is a shame the US does not allow this.
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9 **STATEMENT BY OLIVER D. SMITH**

10 TO THE HONORABLE COURT, ALL PARTIES AND COUNSEL: I am the Plaintiff in this matter and
11 pursuant to Federal Rule of Civil Procedure 41(a)(1)(A)(i), I voluntarily dismiss:

12 This entire case.

13 Only Defendant [name] JOHN DOE

14 Such dismissal shall be without prejudice,

15 Dated: 16.12.2024 (16 December 2024)

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18 Oliver D. Smith, pro se.
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