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**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA
WESTERN DIVISION**

CHARLES JAMES GLASS,
Plaintiff,

v.

JASON BLACK, et al.,
Defendants.

No. CV 12-3564-GHK (PLA)

**ORDER DISMISSING ACTION WITHOUT
PREJUDICE**

Plaintiff, who is confined to Atascadero State Hospital, filed a pro se civil rights action in this Court on April 30, 2012, after being granted leave to proceed in forma pauperis. On May 10, 2012, the Magistrate Judge dismissed plaintiff’s Complaint with leave to amend, finding that his allegations as set forth in the Complaint were insufficient to state a federal civil rights claim against any defendant. Plaintiff was instructed that if he desired to pursue this action, he must file a First Amended Complaint, no later than June 11, 2012, remedying the deficiencies of his pleading as discussed in the Magistrate Judge’s May 10, 2012, Order.

On May 23, 2012, plaintiff filed a “Response to Court[’]s Order Regarding Leave of Court to Amend,” in which he states that he “feels that a state habeas [sic] filing may better serve his claims and requested relief,” and in which he “requests that he be allowed to withdraw his case without prejudice.” After an action has been filed, a plaintiff may, under certain circumstances,

1 obtain a voluntary dismissal of the action. Fed.R.Civ.P. 41(a)(1). The Court construes plaintiff's
2 unequivocal request to withdraw his Complaint in this action as a request that this action be
3 dismissed without prejudice. Accordingly, pursuant to Rule 41(a)(1) of the Federal Rules of Civil
4 Procedure, which allows a plaintiff to dismiss an action even without order of the Court by filing
5 a notice of dismissal at any time before service by the opposing party of a responsive pleading
6 (which is the situation here), it is hereby ordered that the instant action is **dismissed without**
7 **prejudice.**

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9 DATED: 5/29/12


HONORABLE GEORGE H. KING
UNITED STATES DISTRICT JUDGE

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