

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

CIVIL MINUTES - GENERAL

Case No.	EDCV 17-0012-JAK (AGR) EDCV 17-0013-JAK (AGR)	Date	June 8, 2018
Title	Christopher Lancaster v. USP Victorville, et al. Christopher Lancaster v. Lt. Gabby, et al.		

Present: The Honorable	John A. Kronstadt, United States District Judge		
Andrea Keifer Deputy Clerk	n/a	n/a	n/a
Attorneys Present for Plaintiff:	None	Attorneys Present for Defendants:	None

Proceedings: In Chambers: **PLAINTIFF'S VOLUNTARY DISMISSAL OF CASE NUMBER EDCV 17-0012**

On January 5, 2017, Plaintiff, a federal inmate, commenced these two civil rights cases. His factual allegations in both complaints are essentially identical. What differs are the rosters of defendants. In the first-filed case, he names USP Victorville and the United States. In the second-filed case, he names dozens of individual prison staff.

On March 3, 2018, Defendants in the first-filed case filed their pending motion to dismiss. (Dkt. No. 39 in -0012 case.)

Now before the Court is a letter filed by Plaintiff on May 29, 2018. The body of the letter, in its entirety, states: "I'm asking the Court to withdraw the Tort Claim civil complaint case no. 5:17-cv-12 in favor [of] the Bivens Complaint 5:17-cv-13. [¶] So Plaintiff would like the Court to continue with Bivens Complaint case no. 5:17-cv-13 & withdraw Tort case no. 5:17-cv-12[.]" (*Id.*, Dkt. No. 44.)

IT IS ORDERED that:

- the May 29, 2018 filing is construed as a Notice of Voluntary Dismissal of the -0012 case pursuant to Fed. R. Civ. P. 41(a)(1)(A), for no defendant has yet served an answer or motion for summary judgment in that case. Accordingly, case no. EDCV 17-0012-JAK (AGR) is DISMISSED without prejudice.
- Defendants' motion to dismiss in the same case is DENIED without prejudice AS MOOT.

Initials of Preparer ak