

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

JOHN I MCALLISTER,

CASE NO. 1:06-cv-00082-OWW-SKO PC

Plaintiff,

ORDER DISMISSING DEFENDANT
BOISTER FROM ACTION

v.

J.E. GUNJA, et al.,

Defendants.

Plaintiff John I. McAllister (“Plaintiff”) is a federal prisoner proceeding pro se and in forma pauperis in this civil rights action pursuant to Bivens v. Six Unknown Named Agents of Federal Bureau of Narcotics, 403 U.S. 388, 91 S.Ct. 1999 (1971), which provides a remedy for civil rights violations committed by federal actors.

On June 4, 2010, Plaintiff filed a notice of voluntary dismissal of his claims against Defendant Boister. Pursuant to Federal Rule of Civil Procedure 41(a)(1)(i), a plaintiff may dismiss an action against a defendant by filing a notice of dismissal before that defendant makes an appearance in the action.

Accordingly, it is HEREBY ORDERED that Defendant Boister is dismissed from this action.

IT IS SO ORDERED.

Dated: September 7, 2010

/s/ Sheila K. Oberto
UNITED STATES MAGISTRATE JUDGE