

UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

11 GARRISON S. JOHNSON,

1:07-CV-00179-LJO-SMS-PC

12 Plaintiff,

13 ORDER GRANTING PLAINTIFF'S MOTION
TO VOLUNTARILY DISMISS ACTION
(Doc. 21)

14 v.

15 ORDER DISMISSING ACTION IN ITS
CALIFORNIA CORRECTIONAL
PEACE OFFICER ASSOCIATION,
16 ENTIRETY WITHOUT PREJUDICE
Defendant.17 ORDER DIRECTING CLERK TO CLOSE FILE
18 /19 Plaintiff Garrison S. Johnson ("Plaintiff") is a state prisoner proceeding pro se and in
20 forma pauperis in this civil rights action filed pursuant to 42 U.S.C. § 1983. Plaintiff filed the
21 complaint on February 2, 2007.22 On January 28, 2008, Plaintiff filed a motion to voluntarily dismiss this action. "[U]nder
23 Rule 41(a)(1)(I), 'a plaintiff has an absolute right to voluntarily dismiss his action prior to service
24 by the defendant of an answer or a motion for summary judgment.'" Commercial Space Mgmt.
25 Co., Inc. v. Boeing Co., Inc., 193 F.3d 1074, 1077 (9th Cir. 1999) (*quoting Wilson v. City of San*
26 Jose, 111 F.3d 688, 692 (9th Cir. 1997)). "[A] dismissal under Rule 41(a)(1) is effective on
27 filing, no court order is required, the parties are left as though no action had been brought, the
28 defendant can't complain, and the district court lacks jurisdiction to do anything about it." Id. at

1 1078. No defendant has filed an answer or other responsive pleading. Therefore, Plaintiff's
2 motion shall be granted.

3 Accordingly, IT IS HEREBY ORDERED that:

4 1. Plaintiff's motion to voluntarily dismiss this action is GRANTED;
5 2. This action is DISMISSED in its entirety without prejudice; and
6 3. The Clerk of the Court is DIRECTED to close the file in this case and adjust the
7 docket to reflect voluntary dismissal of this action pursuant to Rule 41(a).

8 IT IS SO ORDERED.

9 Dated: February 3, 2008

/s/ Lawrence J. O'Neill
10 UNITED STATES DISTRICT JUDGE

11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28