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UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

LAVELLE TYRONE PLAYER,

Plaintiff,

v.

B. JOHNSON,

Defendant.

CASE NO. 1:07-CV-01312-LJO-DLB PC

ORDER DISMISSING ACTION WITHOUT
PREJUDICE PURSUANT TO PLAINTIFF'S
ORAL MOTION

_____ /

Plaintiff Lavelle Tyrone Player ("Plaintiff") is a prisoner in the custody of the California Department of Corrections and Rehabilitation. Plaintiff is proceeding pro se in this civil rights action pursuant to 42 U.S.C. § 1983. This action proceeds on Plaintiff's second amended complaint against Defendant B. Johnson for excessive force in violation of Eighth Amendment.

On February 29, 2012, a pretrial telephonic conference was held in this matter. Plaintiff made an oral motion to dismiss this action, on the record, without prejudice. Defendant did not oppose the motion. Pursuant to the motion, it is **HEREBY ORDERED** that this action is dismissed without prejudice. The parties are to bear their own costs.

IT IS SO ORDERED.

Dated: February 29, 2012

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