

- 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

Joseph Johnson, Jr.,) No. CV 1-07-1408-NVW
)
Plaintiff,)
) **ORDER**
vs.)
)
State of California, et al.,)
)
Defendants.)
)

Before the Court is Plaintiff's Motion/Request to Dismiss his Complaint (doc. # 12) without prejudice, as he has lost interest in prosecuting it. Plaintiff is otherwise under order of the Court to file an amended complaint by May 1, 2009, failing which this action will be dismissed with prejudice. (Doc. # 11.) Plaintiff's Motion plainly shows an intent not to file an amended complaint within the required time, so the action will be dismissed with prejudice. However, since Plaintiff is voluntarily dismissing his complaint, he will not be assessed a "strike" under 28 USC 1915(g).

IT IS THEREFORE ORDERED that Plaintiff's Motion/Request to Dismiss his Complaint (doc. # 12) is granted, except that the action will be dismissed with prejudice pursuant to the order of April 1, 2009. (Doc. # 11.) The Clerk shall enter judgment dismissing this action with prejudice and shall terminate this action.

DATED this 15th day of April, 2009.

Neil V. Wake
United States District Judge