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UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

CORY D. LATOUR,

Plaintiff,

v.

SCHWARZENEGGER, et al.,

Defendants.

CASE NO. 1:08-cv-00407-AWI-DLB (PC)

ORDER DISMISSING ACTION PURSUANT
TO PLAINTIFF’S NOTICE OF VOLUNTARY
DISMISSAL

(Doc. 11)

Plaintiff is a prisoner proceeding pro se. Plaintiff has filed a civil rights complaint and has requested leave to proceed in forma pauperis pursuant to 28 U.S.C. § 1915.

On April 3, 2009, Plaintiff filed a document in which he states that he wishes to dismiss this action. Pursuant to Federal Rule of Civil Procedure 41(a), an action may be dismissed by plaintiff by filing a notice of dismissal before service by the adverse party of an answer or of a motion for summary judgment. None of the defendants named in this action have been served with the complaint, thus they have not filed an answer or other responsive pleading.

Accordingly, this action is DISMISSED pursuant to Plaintiff’s notice of voluntary dismissal and the Clerk of Court is directed to close the file in this action.

IT IS SO ORDERED.

Dated: April 7, 2009

/s/ Anthony W. Ishii

CHIEF UNITED STATES DISTRICT JUDGE