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IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

DARRELL RICHARDSON,
Plaintiff,
vs.
B. CONTRERRAS, et al.,
Defendants.

Case No. 1:08-cv-00779 OWW JLT (PC)

ORDER DIRECTING THE CLERK OF THE
COURT TO CLOSE THIS CASE
PURSUANT TO PLAINTIFF'S
VOLUNTARY DISMISSAL

(Doc. 14)

_____ /

Plaintiff is a state prisoner proceeding pro se in a civil rights action pursuant to 42 U.S.C. § 1983. On October 7, 2010, the assigned magistrate judge issued findings and recommendations recommending this case be dismissed in its entirety for failure to state a claim. In response, on November 5, 2010, Plaintiff filed a motion for voluntary dismissal pursuant to Federal Rule of Civil Procedure 41(a). At this stage in the proceedings, Plaintiff has the absolute right to dismiss his claims without prejudice. See Duke Energy Trading and Marketing, L.L.C. v. Davis, 267 F.3d 1042, 1049 (9th Cir. 2001). The filing of the notice of voluntary dismissal has the effect of closing the action, and the Court no longer has jurisdiction over the claims. Id.

Accordingly, the Clerk of the Court is HEREBY DIRECTED to close this case pursuant to Plaintiff's notice of voluntary dismissal filed November 5, 2010.

IT IS SO ORDERED.

Dated: December 1, 2010

/s/ Oliver W. Wanger
UNITED STATES DISTRICT JUDGE