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**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA**

BARRY LOUIS LAMON,)	Case No.: 1:09-cv-00484-AWI-SAB (PC)
)	
Plaintiff,)	
)	ORDER DISMISSING DEFENDANT COHEN
v.)	PURSUANT TO PLAINTIFF’S REQUEST FOR
)	VOLUNTARY DISMISSAL
MAURICE JUNIOUS, et al.,)	
)	[ECF No. 117]
Defendants.)	
)	
)	

Plaintiff Barry Louis Lamon is appearing pro se and in forma pauperis in this civil rights action pursuant to 42 U.S.C. § 1983.

Now pending before the Court is Plaintiff’s motion to voluntarily dismiss this action against Defendant Cohen, filed February 5, 2015. (ECF No. 117.)

Previously, this Court granted Defendant Cohen’s motion to quash service of the summons and complaint, by and through special appearance by the Office of the Attorney General. (ECF Nos. 109, 115.) Plaintiff was granted thirty days from December 23, 2014, to provide further information for service of the summons and complaint on Defendant Doctor Cohen. (ECF No. 115.)

Because Defendant Cohen has not filed an answer or a motion for summary judgment, Plaintiff has the absolute right to dismiss him from this action and the Court will direct the Clerk’s Office to terminate him as a party. Fed. R. Civ. P. 41(a)(1)(A)(i); Pedrina v. Chun, 987 F.2d 608, 609-610 (9th Cir. 1993).

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Based on the foregoing, IT IS HEREBY ORDERED that:

1. Defendant Cohen is DISMISSED from the action, without prejudice; and
2. The Clerk of Court is directed to terminate Defendant Cohen as a party in this action.

IT IS SO ORDERED.

Dated: February 18, 2015



SENIOR DISTRICT JUDGE