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UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

KAREEM STANSBURY,

CASE NO. 1:09-cv-00549-SKO PC

Plaintiff,

ORDER DISMISSING ACTION, WITHOUT
PREJUDICE, PURSUANT TO RULE 41(A)(2)

v.

(Docs. 59 and 61)

UNITED STATES
GOVERNMENT, et al.,

Defendants.

_____/

Plaintiff Kareem Stansbury, a former federal prisoner proceeding pro se and in forma pauperis, filed this civil action on March 24, 2009, pursuant to Bivens v. Six Unknown Named Agents of Federal Bureau of Narcotics, 403 U.S. 388 (1971), which provides a remedy for violation of civil rights by federal actors. This action is proceeding on Plaintiff’s second amended complaint, filed on February 28, 2011, against Defendant Lehman for excessive force in violation of the Eighth Amendment, and against Defendant Miller for retaliation in violation of the First Amendment. Plaintiff’s claims arise from events which occurred in 2008 while he was incarcerated at United States Penitentiary-Atwater (USP-Atwater) in Atwater, California.

On February 28, 2013, Plaintiff filed a motion seeking voluntary dismissal of this action, without prejudice. On March 2, 2013, in response to the Court’s order issued the same day, Defendants filed a statement of non-opposition to dismissal without prejudice.

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1 Accordingly, this action is HEREBY ORDERED DISMISSED, without prejudice. Fed. R.
2 Civ. P. 41(a)(2).

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4 IT IS SO ORDERED.

5 **Dated: March 4, 2013**

/s/ Sheila K. Oberto
UNITED STATES MAGISTRATE JUDGE

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