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

SEAN E. BRAZIL,

Plaintiff,

vs.

M. HOPKINS,

Defendant.

1: 09 CV 00696 YNP SMS (PC)

ORDER GRANTING MOTION TO
VOLUNTARILY DISMISS ACTION
(DOCUMENT 8)

Plaintiff is a state prisoner proceeding pro se in a civil rights action pursuant to 42 U.S.C. § 1983. Plaintiff has consented to magistrate judge jurisdiction pursuant to 28 U.S.C. § 636(c)(1).

On February 24, 2010, an order was entered, dismissing the complaint and granting Plaintiff leave to file an amended complaint. On March 17, 2010, Plaintiff filed a document titled as a notice of withdrawal of suit. Plaintiff indicates that he is unable to allege facts sufficient to state a claim against Defendant. Plaintiff seeks to dismiss this action. Pursuant to Federal Rule of Civil Procedure 41(a)(1)(A)(i), Plaintiff may dismiss this action without prejudice on his own motion, so long as a responsive pleading has not been filed. The defendant in this action has not been served, and has not entered an appearance.

Accordingly, IT IS HEREBY ORDERED that this action is DISMISSED, without

1 prejudice, on Plaintiff's motion. The Clerk is directed to close this case.

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3 IT IS SO ORDERED.

4 **Dated:** April 1, 2010

/s/ Sandra M. Snyder
UNITED STATES MAGISTRATE JUDGE

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