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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

RICHARD ERNEST ANAYA,

Plaintiff,

v.

HERRINGTON, et al.,

Defendants.

Case No. 1:09-cv-01653 AWI DLB PC

**ORDER DISMISSING ACTION PURSUANT
TO PLAINTIFF'S MOTION TO DISMISS**

(Document 107)

Plaintiff Richard Ernest Anaya is a state prisoner proceeding pro se and in forma pauperis in this civil rights action pursuant to 42 U.S.C. § 1983. Defendants have answered the complaint and the action is currently in the discovery phase.

On August 19, 2013, Plaintiff filed a Motion to Voluntarily Dismiss this action. On August 21, 2013, the Court ordered Defendants to either file an opposition or a statement of non-opposition to Plaintiff's motion. In their August 21, 2013, filing, Defendants state that they do not oppose Plaintiff's motion.

Accordingly, Plaintiff's Motion for Voluntary Dismissal is GRANTED. This action is DISMISSED, WITHOUT PREJUDICE. Fed. R. Civ. P. 41(a)(2).

IT IS SO ORDERED.

Dated: August 29, 2013



SENIOR DISTRICT JUDGE