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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-DLB PC

ORDER REGARDING VOLUNTARY
DISMISSAL

(Doc. 20)

RESPONSE DUE WITHIN 20 DAYS

_____ /

Plaintiff Richard Ernest Anaya (“Plaintiff”) is a state prisoner proceeding pro se and in forma pauperis in a civil rights action. Pending before the Court is Plaintiff’s notice of voluntary dismissal, filed April 5, 2010. Plaintiff seeks to voluntarily dismiss this action. However, Plaintiff contends his reasons for this dismissal are because of retaliatory actions by prison officials. Plaintiff alleges that they threatened him and denied his pain medications. A dismissal pursuant to Federal Rule of Civil Procedure 41(a) must be voluntary. There is thus some question as to whether Plaintiff truly wishes to voluntarily dismiss his action.

Accordingly, the Court HEREBY ORDERS Plaintiff to respond within twenty (20) days, indicating whether he intends to voluntarily dismiss his action. The Court will screen Plaintiff’s amended complaint in due course if Plaintiff decides to proceed. Failure to comply with this order may result in dismissal of this action for failure to obey a court order.

IT IS SO ORDERED.

Dated: April 8, 2010

/s/ Dennis L. Beck
UNITED STATES MAGISTRATE JUDGE