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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

ANTHONY GASTON,
Plaintiff,

v.

I. PATEL, et al.,
Defendants.

Case No. 1:09-cv-01966-AWI-MJS (PC)

VOLUNTARY DISMISSAL OF ACTION
(ECF No. 34)

CLERK SHALL CLOSE CASE

Plaintiff Anthony Gaston is a state prisoner proceeding pro se in this civil rights action pursuant to 42 U.S.C. § 1983. Plaintiff filed a motion to withdraw the complaint voluntarily in the interests of justice on January 15, 2014 (ECF No. 34).

Under Fed. R. Civ. P. 41(a)(1)(A), a plaintiff may dismiss an action without a court order by filing a notice of dismissal. Plaintiff's January 15, 2014 notice is sufficient as a notice of dismissal under Rule 41.

Accordingly, pursuant to Fed. R. Civ. P. 41, this action is hereby DISMISSED without prejudice. The Clerk shall CLOSE this case.
IT IS SO ORDERED.

Dated: January 19, 2014

/s/ Michael J. Seng
UNITED STATES MAGISTRATE JUDGE