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**UNITED STATES DISTRICT COURT**

EASTERN DISTRICT OF CALIFORNIA

BARRY LOUIS LAMON,

Plaintiff,

v.

MATTHEW L. CATE, et al.,

Defendants.

CASE NO. 1:09-cv-02220-LJO-SKO PC

ORDER DENYING PENDING MOTIONS AS  
MOOT AND DIRECTING CLERK OF THE  
COURT TO CLOSE THIS CASE PURSUANT  
TO PLAINTIFF’S NOTICE OF VOLUNTARY  
DISMISSAL

(Docs. 25, 26, and 28)

On September 26, 2011, Plaintiff Barry Louis Lamon filed a notice of voluntary dismissal pursuant to Federal Rule of Civil Procedure 41(a)(1)(i). At this stage in the proceedings, Plaintiff has the absolute right to dismiss his claims, without prejudice. Duke Energy Trading and Marketing, L.L.C. v. Davis, 267 F.3d 1042, 1049 (9th Cir. 2001). The filing of the notice itself has the effect of closing the action, and the Court no longer has jurisdiction over the claims. Id.

Accordingly, all pending motions are DENIED as moot and the Clerk of the Court is DIRECTED to close this file pursuant to Plaintiff’s notice of voluntary dismissal filed on September 26, 2011.

IT IS SO ORDERED.

**Dated: September 29, 2011**

**/s/ Lawrence J. O’Neill**  
UNITED STATES DISTRICT JUDGE