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**UNITED STATES DISTRICT COURT**  
EASTERN DISTRICT OF CALIFORNIA

CHRISTOPHER HARBRIDGE,  
Plaintiff,  
v.  
HICKMAN, et al.,  
Defendants.

Case No. 1:10-cv-00473-AWI-JLT (PC)  
ORDER DISMISSING  
DEFENDANT W.R. WILLIAMS  
(Doc. 87)

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Plaintiff, Christopher Harbridge, filed this civil rights action pursuant to 42 U.S.C. § 1983 and California law on March 16, 2010. Service of summons was ordered on all of the Defendants in this action and efforts by the U.S. Marshal Service began on March 5, 2013. (Doc. 33.) Defendants filed a statement noting the death of Defendant W.R. William on March 13, 2014. (Doc. 59.) An unexecuted waiver of service as to Defendant W.R. Williams was filed on May 19, 2014. (Docs. 59, 77.) On May 21, 2014, an order issued directing Plaintiff to make the substitution and provide service information for the marshal to locate the party for service of Plaintiff's complaint as to his claims against Defendant W.R. Williams. (Doc. 81.)

On June 6, 2014, Plaintiff filed a notice of voluntary dismissal of Defendant W.R. Williams (Doc. 87). Fed. R. Civ. P. 41(a)(1)(A)(i); *Pedrina v. Chun*, 987 F.2d 608, 609 (9th Cir. 1993). Because Defendant W.R. Williams has not appeared in this action, Plaintiff has the absolute right to dismiss him from this action and the Court will direct the Clerks Office to

1 terminate him as a party. Fed. R. Civ. P. 41(a)(1)(A)(i); *Pedrina*, 987 F.2d at 609-10.

2 Accordingly, it is HEREBY ORDERED, that Defendant W.R. Williams is dismissed and  
3 the Clerk's Office is directed to terminate Defendant W.R. Williams from this action.

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6 IT IS SO ORDERED.

7 Dated: June 27, 2014

  
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8 SENIOR DISTRICT JUDGE

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