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**UNITED STATES DISTRICT COURT**

EASTERN DISTRICT OF CALIFORNIA

DARREN HARRIS,

Plaintiff,

v.

K. HARRINGTON, et al.,

Defendants.

CASE NO. 1:10-cv-01215-AWI-SMS

ORDER DISMISSING ACTION BASED ON  
PLAINTIFF’S NOTICE OF VOLUNTARY  
DISMISSAL

(ECF No. 29)

Plaintiff Darren Harris (“Plaintiff”) is a state prisoner proceeding pro se and in forma pauperis in this civil rights action pursuant to 42 U.S.C. § 1983. Plaintiff initiated this action by filing a [motion for a temporary restraining order](#) and preliminary injunction on July 6, 2010. A [complaint](#) was filed on July 9, 2010. On July 23, 2010, Plaintiff filed a [motion to supplement](#) the complaint and addendums and declarations were filed on July 26, 28, and August 9, 2010, and January 21, 24, and 28, 2011. On February 2, 2011, an [order](#) was issued informing Plaintiff that he could not submit his complaint piecemeal and giving him thirty days to file an amended complaint.

On May 5, 2011, Plaintiff filed a notice of voluntary dismissal of this action. While not stated by Plaintiff, the court assumes Plaintiff’s motion is brought pursuant to Rule 41(a) of the Federal Rules of Civil Procedure.

Rule 41(a)(1) provides that “an action may be dismissed by the plaintiff without order of court . . . by filing a notice of dismissal at any time before service by the adverse party of an answer or of a motion for summary judgment, whichever first occurs . . . .” Because Plaintiff has filed a notice of dismissal and no defendant has filed an answer or motion for summary judgment, this case

1 has terminated. See Fed. R. Civ. Pro. 41(a)(1).

2 Therefore, IT IS HEREBY ORDERED that this action is DISMISSED and the Clerk of the  
3 Court is DIRECTED to close this case in light of Plaintiff's Rule 41(a)(1) dismissal.

4 IT IS SO ORDERED.

5 Dated: May 12, 2011

  
6 CHIEF UNITED STATES DISTRICT JUDGE

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