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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 DENYING PLAINTIFF’S MOTION FOR RECONSIDERATION

(ECF No. 31)

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. On May 13, 2011, an order issued dismissing this action based on Plaintiff’s notice of voluntary dismissal. (ECF No. 30.) Plaintiff filed a motion for reconsideration on March 27, 2011, stating that he did not want the case closed, only dismissed, without prejudice, so he could pursue the action after he has exhausted his administrative remedies. (ECF No. 31.) A dismissal pursuant to Rule 41(a) is without prejudice, and Plaintiff may re-file the action once he has exhausted his administrative remedies. Fed. R. Civ. Proc. 41(b).

Accordingly, Plaintiff’s motion for reconsideration filed May 27, 2011, is **HEREBY DENIED.**

IT IS SO ORDERED.

Dated: June 1, 2011

/s/ Sandra M. Snyder

UNITED STATES MAGISTRATE JUDGE

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