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IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF CALIFORNIA

TIMOTHY J. SEVERSON,
Plaintiff,
vs.
JAMES A. YATES, et al.,
Defendants.

Case No. 1:10-cv-01275 AWI JLT (PC)

FINDINGS AND RECOMMENDATIONS
RECOMMENDING THAT THIS ACTION
BE DISMISSED WITHOUT PREJUDICE

(Doc. 10)

_____ /

Plaintiff is a state prisoner proceeding pro se and *in forma pauperis* with a civil rights action pursuant to 42 U.S.C. § 1983. On November 5, 2010, Plaintiff filed a motion for the voluntary dismissal of this action. (Doc. 10.)

Accordingly, it is HEREBY RECOMMENDED that Plaintiff’s request be respected and this action be **DISMISSED** without prejudice. See Fed. R. Civ. P. 41(a).

These findings and recommendations are submitted to the United States District Judge assigned to the case, pursuant to the provisions of 28 U.S.C. § 636(b)(1)(B) and Rule 304 of the Local Rules of Practice for the United States District Court, Eastern District of California. Within fourteen days after being served with these findings and recommendations, Plaintiff may file written objections with the court. Such a document should be captioned “Objections to Magistrate Judge’s Findings and Recommendations.” Plaintiff is advised that failure to file objections within the

1 specified time may waive the right to appeal the District Court's order. Martinez v. Ylst, 951 F.2d
2 1153 (9th Cir. 1991).

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4 IT IS SO ORDERED.

5 Dated: November 9, 2010

/s/ Jennifer L. Thurston
UNITED STATES MAGISTRATE JUDGE

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