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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

NATHAN SMITH,

Plaintiff,

v.

H.A. RIOS, JR.,

Defendant.

CASE NO. 1:10-cv-1554-AWI-MJS (PC)

ORDER GRANTING MOTION TO
VOLUNTARILY DISMISS DEFENDANT ERIC
H. HOLDER, JR.

(ECF No. 33)

CLERK TO TERMINATE ERIC H. HOLDER,
JR. AS DEFENDANT

_____ /

Plaintiff Nathan Smith ("Plaintiff") is a federal prisoner proceeding pro se and in forma pauperis in this civil rights action pursuant to Bivens v. Six Unknown Named Agents of Federal Bureau of Narcotics, 403 U.S. 388, 91 S.Ct. 1999 (1971). Before the Court is Plaintiff's Motion to Withdraw Case Against Defendant asking the Court to allow him to dismiss his claims against Defendant Eric H. Holder, Jr.

Defendant Holder has not appeared in this action so Plaintiff is permitted to dismiss him without court approval pursuant to Federal Rule of Civil Procedure 41(a)(1). Accordingly, Plaintiff's Motion is GRANTED. The Clerk shall terminate Eric H. Holder, Jr.

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1 as a Defendant in this action.

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5 IT IS SO ORDERED.

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7 Dated: March 30, 2011

/s/ Michael J. Seng
UNITED STATES MAGISTRATE JUDGE

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