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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

RUDY MINJAREZ,

Plaintiff,

v.

DIRECTOR OF THE CALIFORNIA
DEPARTMENT OF CORRECTIONS AND
REHABILITATION, et al.,

Defendants.

Case No. 1:10-cv-01560-LJO-DLB PC

**ORDER DIRECTING CLERK OF THE
COURT TO CLOSE ACTION PURUANT
TO PLAINTIFF'S MOTION TO DISMISS
ACTION**

(ECF No. 28)

Plaintiff Rudy Minjarez (“Plaintiff”) is a prisoner in the custody of the California Department of Corrections and Rehabilitation (“CDCR”). Plaintiff is proceeding pro se and in forma pauperis in this civil action pursuant to 42 U.S.C. § 1983. Defendants Allen, Barajas, Cortez, Fidler, Gaona, and Swetalla have appeared in this action. On August 10, 2012, Plaintiff filed a motion requesting dismissal of this action. ECF No. 28. On August 14, 2012, Defendants filed a statement of non-opposition.

The plaintiff may dismiss an action without a court order when the notice is submitted before the opposing party has served an answer or motion for summary judgment. Fed. R. Civ. P.

1 41(a)(1)(A)(i). No answer or motion for summary judgment has been served by Defendants.

2 Accordingly, it is HEREBY ORDERED that:

- 3 1. The Clerk of the Court is directed to close this action pursuant to Plaintiff's notice of
4 dismissal; and
5 2. All other pending motions are denied as moot.

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8 IT IS SO ORDERED.

9 Dated: August 20, 2012

/s/ Dennis L. Beck
UNITED STATES MAGISTRATE JUDGE

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