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UNITED STATES DISTRICT COURT

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EASTERN DISTRICT OF CALIFORNIA

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9   TONY HALL,   CASE NO. 1:10-cv-01601-LJO-SMS PC

10   Plaintiff,   ORDER GRANTING PLAINTIFF'S REQUEST
                                                   FOR VOLUNTARY DISMISSAL
11   v.
                                                   (ECF No. 17)
12   MATTHEW CATE,

13   Defendants.   ORDER DIRECTING CLERK OF COURT TO
                                                   CLOSE CASE AND ADJUST DOCKET TO
                                                   REFLECT VOLUNTARY DISMISSAL
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16   Plaintiff Tony Hall ("Plaintiff") is a state prisoner proceeding pro se in this civil rights action

17   pursuant to 42 U.S.C. § 1983. This action was filed on August 30, 2010. On April 7, 2011, the

18   Court issued an order to show cause why this action should not be dismissed for failure to comply

19   with a court order. (ECF No. 16.) On May 6, 2011, Plaintiff filed a motion for voluntary dismissal.

20   (ECF No. 17.)

21   "[U]nder Rule 41(a)(1)(I), 'a plaintiff has an absolute right to voluntarily dismiss his action

22   prior to service by the defendant of an answer or a motion for summary judgment.'" Commercial

23   Space Mgmt. Co., Inc. v. Boeing Co., Inc., 193 F.3d 1074, 1077 (9th Cir. 1999) (*quoting* Wilson v.

24   City of San Jose, 111 F.3d 688, 692 (9th Cir. 1997)). "[A] dismissal under Rule 41(a)(1) is effective

25   on filing, no court order is required, the parties are left as though no action had been brought, the

26   defendant can't complain, and the district court lacks jurisdiction to do anything about it." Id. at

27   1078. No defendant has filed an answer or other responsive pleading.

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1   Accordingly, it is HEREBY ORDERED that :

2   1.   The Clerk of the Court is HEREBY ORDERED to CLOSE the file in this case and

3   adjust the docket to reflect voluntary dismissal of this action pursuant to Rule 41(a);

4   and

5   2.   All pending motions are terminated.

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7 IT IS SO ORDERED.

8 **Dated:**   **May 10, 2011**   **/s/ Sandra M. Snyder**
                                    UNITED STATES MAGISTRATE JUDGE