

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA**

LARRY CORTINAS,

Case No. 1:10-cv-02270 LJO DLB PC

Plaintiff,

ORDER DIRECTING CLERK OF THE
COURT TO CLOSE THIS CASE
PURSUANT TO PLAINTIFF'S NOTICE
VOLUNTARY DISMISSAL

TIMOTHY LOCKWOOD, et al.,

[ECF No. 44]

Defendants.

Plaintiff Larry William Cortinas is a California state prisoner proceeding pro se and in forma pauperis in this civil rights action pursuant to 42 U.S.C. § 1983. Plaintiff filed his complaint on December 7, 2010.

On March 5, 2015, Plaintiff filed a request to voluntarily dismiss the action without prejudice. In this case, Defendant has already filed an answer in this action. Therefore, pursuant to Federal Rule of Civil Procedure 41(a)(2), Plaintiff may request that the action be dismissed by court order, and dismissal lies within the sound discretion of the court. Hamilton v. Firestone Tire and Rubber Co., Inc., 679 F.2d 143, 145 (9th Cir. 1982). Defendant filed a notice of non-opposition on March 13, 2015. In light of the foregoing, the Court finds it to be in the interest of justice that Plaintiff's request be granted.

Accordingly, IT IS HEREBY ORDERED:

- 1) Plaintiff's request to dismiss the action is GRANTED;
 - 2) The complaint is DISMISSED without prejudice; and

3) The Clerk of the Court is DIRECTED to terminate this action and close this file.
IT IS SO ORDERED.

Dated: March 16, 2015

/s/ Lawrence J. O'Neill
UNITED STATES DISTRICT JUDGE