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7 **UNITED STATES DISTRICT COURT**

8 EASTERN DISTRICT OF CALIFORNIA  
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10 LARRY CORTINAS,

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

11 Plaintiff,

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

12 v.

13 TIMOTHY LOCKWOOD, et al.,

[ECF No. 44]

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

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

26 Accordingly, IT IS HEREBY ORDERED:

27 1) Plaintiff's request to dismiss the action is GRANTED;

28 2) The complaint is DISMISSED without prejudice; and

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

3           Dated: March 16, 2015

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