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

MATTHEW ALAN LAWRIE,

CASE NO. 1:11-cv-00472-OWW-SKO

Plaintiff,

**ORDER VACATING ORDER TO PAY  
INMATE FILING FEE FROM TRUST  
ACCOUNT AND DIRECTING CLERK OF  
THE COURT TO DISMISS THE CASE  
PURSUANT TO PLAINTIFF'S REQUEST**

v.

STATE OF CALIFORNIA, et al.,

(Docs. 4, 6)

Defendants.

\_\_\_\_\_ /

Plaintiff Matthew Alan Lawrie filed the instant action on March 21, 2011, asserting a claim under 42 U.S.C. § 1983. On March 29, 2011, Plaintiff filed a notice of voluntary dismissal pursuant to Federal Rule of Civil Procedure 41(a)(1)(i). (Doc. 6.) At this stage in the proceedings, Plaintiff has the absolute right to dismiss his claims, without prejudice. Duke Energy Trading and Marketing, L.L.C. v. Davis, 267 F.3d 1042, 1049 (9th Cir. 2001). The filing of the notice itself has the effect of closing the action, and the Court no longer has jurisdiction over the claims. Id. Further, the Court's order granting Plaintiff *in forma pauperis* status and requiring payment from Plaintiff's California Department of Corrections trust account for the filing fee is VACATED. (See Docs. 4, 6.)<sup>1</sup>

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<sup>1</sup> To be clear, this order is not directing that Plaintiff be refunded any portion of a filing fee.

1 Accordingly, the Clerk of the Court is HEREBY DIRECTED to:

- 2 1. Serve a copy of this order on the California Department of Corrections and the  
3 Financial Division of the U.S. District Court, Eastern District of California; and  
4 2. Close this file pursuant to Plaintiff's notice of voluntary dismissal filed on March 29,  
5 2011.

6  
7 IT IS SO ORDERED.

8 **Dated:** April 4, 2011

/s/ Oliver W. Wanger  
UNITED STATES DISTRICT JUDGE