1			
2			
3			
4			
5			
<u>6</u>			
7			
8	UNITED STATES DISTRICT COURT		
9	EASTERN DISTRICT OF CALIFORNIA		
10			
11 12	TROY MITCHELL NAYLOR,	CASE NO. 1:11-cv-01649-LJO-MJS (PC)	
12	Plaintiff,	ORDER GRANTING VOLUNTARY DISMISSAL WITH PREJUDICE	
14		(ECF No. 44)	
15 16	CLIFF ALLENBY, et al., Defendants.	CLERK TO TERMINATE ALL PENDING MOTIONS AND CLOSE CASE	
17	Plaintiff is a civil detainee who is being held at Coalinga State Hospital. He is		
18	proceeding pro se and in forma pauperis in this civil rights action pursuant to 42 U.S.C. §		
19	1983. (ECF Nos. 1 & 5.)		
20	On November 2, 2015, Plaintiff filed a notice of voluntary dismissal. (ECF No.		
21	44.) It appears from Plaintiff's motion that he seeks dismissal with prejudice. Plaintiff		
22	states that he "realizes that the subject matter can never be re-opened and forfeits any		
23	future legal action in this matter." (ECF No. 44 at 2.)		
24	Because Defendant Duvall had already appeared in the action and filed an		
25	answer, the Court ordered Defendant to respond to Plaintiff's motion. (ECF No. 45.) On		
26	December 17, 2015, Defendant Duvall responded that he does not object to Plaintiff's		
27	motion for voluntary dismissal. (ECF No.	46.)	
28			

1 2	The Court may dismiss an action under Federal Rule of Civil Procedure 41(a)(2) at a plaintiff's request. Plaintiff acknowledges that the dismissal will be with prejudice,		
3	and Defendant does not object.		
4 5	Accordingly, this action is hereby DISMISSED with prejudice. The Clerk shall		
5 6	terminate all pending motions and CLOSE this case.		
0 7	IT IS SO ORDERED.		
8	Dated: December 18, 2015 /s/ Lawrence J. O'Neill		
9	UNITED STATES DISTRICT JUDGE		
10			
11			
12			
13			
14			
15			
16			
17			
18			
19 20			
20			
22			
23			
24			
25			
26			
27	2		
28			