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6 **UNITED STATES DISTRICT COURT**

7 EASTERN DISTRICT OF CALIFORNIA
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11 JESSE J. MONTIEL,) 1:11cv02145 LJO DLB PC
12 Plaintiff,)
13 vs.) ORDER REQUIRING DEFENDANTS TO
14 YATES, et al.,) RESPOND TO PLAINTIFF'S NOTICE OF
15 Defendants.) VOLUNTARY DISMISSAL
16) (Document 70)
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17 Plaintiff Jesse J. Montiel, a state prisoner proceeding pro se and in forma pauperis, filed
18 this civil rights action pursuant to 42 U.S.C. § 1983 on December 28, 2011. This action is
19 proceeding against Defendants Das and Green violation of the Eighth Amendment.

20 Discovery closes on March 4, 2015, and dispositive motions are to be filed by May 4,
21 2015.

22 On February 26, 2015, Plaintiff filed a notice of voluntary dismissal. He requests that
23 this action be dismissed without prejudice so that it can be refiled at a later date.

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Within ten (10) days, Defendants are ordered to inform the Court of their position regarding Plaintiff's request. Fed. R. Civ. Proc. 41(a)(2).

IT IS SO ORDERED.

Dated: **February 27, 2015**

/s/ Dennis L. Beck
UNITED STATES MAGISTRATE JUDGE