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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)  
17  
18 Plaintiff Jesse J. Montiel, a state prisoner proceeding pro se and in forma pauperis, filed  
19 this civil rights action pursuant to 42 U.S.C. § 1983 on December 28, 2011. This action is  
20 proceeding against Defendants Das and Green violation of the Eighth Amendment.  
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22 Discovery closes on March 4, 2015, and dispositive motions are to be filed by May 4,  
23 2015.  
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25 On February 26, 2015, Plaintiff filed a notice of voluntary dismissal. He requests that  
26 this action be dismissed without prejudice so that it can be refiled at a later date.  
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1 Within ten (10) days, Defendants are ordered to inform the Court of their position  
2 regarding Plaintiff's request. Fed. R. Civ. Proc. 41(a)(2).

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4 IT IS SO ORDERED.

5 Dated: February 27, 2015

*/s/ Dennis L. Beck*

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UNITED STATES MAGISTRATE JUDGE