

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

**UNITED STATES DISTRICT COURT**

EASTERN DISTRICT OF CALIFORNIA

JOHN FRATUS,

Plaintiff,

v.

CALIFORNIA DEPT. OF  
CORRECTIONS, et al.,

Defendants.

CASE NO. 1:12-cv-00906-LJO-SKO PC

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

(Doc. 8)

\_\_\_\_\_ /

On September 10, 2012, Plaintiff John Fratus filed a notice of voluntary dismissal pursuant to Federal Rule of Civil Procedure 41(a)(1)(i). 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.

Accordingly, the Clerk of the Court is HEREBY DIRECTED to close this file pursuant to Plaintiff's notice of voluntary dismissal filed on September 10, 2012.

IT IS SO ORDERED.

**Dated: September 11, 2012**

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