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3 **UNITED STATES DISTRICT COURT**
4 **FOR THE EASTERN DISTRICT OF CALIFORNIA**

5
6 **JOHN DURAN,**

7 **Plaintiff,**

8 **v.**

9 **CITY OF PORTERVILE, et al.,**

10 **Defendants.**

1:12-cv-1239-LJO-BAM

**ORDER RE PLAINTIFF'S
VOLUNTARY DISMISSAL (DOC. 56)**

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13 On May 6, 2015, Plaintiff filed a notice of voluntary dismissal of this matter under Fed. R. Civ.
14 P. 41. Doc. 56 at 1. This request will be construed as one for voluntary dismissal under Fed. R. Civ. P.
15 41(a)(2) because Defendant already has filed an answer and a motion for summary judgment. Plaintiff
16 requests that the Court issue an order dismissing their complaint in its entirety with prejudice. *Id.*

17 Based on Plaintiff's notice of voluntary dismissal under Fed. R. Civ. P. 41(a)(2), this Court:

- 18 1. DISMISSES with prejudice this entire action and all claims;
19 2. VACATES all pending matters and dates; and
20 3. DIRECTS the clerk to close this action.

21 IT IS SO ORDERED.

22 Dated: May 6, 2015

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