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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

GARY DALE BARGER,

CASE No. 1:12-cv-01872-AWI-MJS (PC)

Plaintiff,

VOLUNTARY DISMISSAL OF ACTION

v.

(ECF No. 16)

CLERK SHALL CLOSE CASE

CALIFORNIA STATE PRISON,
CORCORAN, et al.,

Defendants.

_____ /

Plaintiff Gary Dale Barger, a state prisoner proceeding pro se, filed this civil rights action on November 15, 2012 pursuant to 42 U.S.C. Section 1983. (ECF No. 1.)

Plaintiff consented to extend Magistrate Judge jurisdiction to all proceedings and for all purposes. (ECF No. 14.)

Plaintiff's Complaint was dismissed on December 19, 2012, for failure to state a claim, but he was given leave to file and amended complaint. (ECF No.4.) Plaintiff filed a First Amended Complaint on December 28, 2012. (ECF No. 8.) The Court screened the First Amended Complaint and on February 14, 2013 issued Findings and a Recommendation that the action be dismissed as frivolous and for failing to state a claim; objection, if any, to Findings and Recommendation were to be filed not later than

1 February 22, 2013. (ECF No. 12.)

2 On February 27, 2013, Plaintiff filed a Notice with the Court voluntarily dismissing
3 this action. (ECF No. 16.)

4 Under Fed. R. Civ. P. 41(a)(1)(A), a plaintiff may dismiss an action without a
5 court order by filing a notice of dismissal. Plaintiff's February 27, 2013 Notice is
6 sufficient as a notice of dismissal under Rule 41.

7 Accordingly, pursuant to Fed. R. Civ. P. 41, this action is hereby DISMISSED
8 without prejudice.

9 The Clerk shall CLOSE this case.

10
11 IT IS SO ORDERED.

12 Dated: February 28, 2013

/s/ Michael J. Seng
UNITED STATES MAGISTRATE JUDGE