## UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

CHARLES E. CRAYON,	) 1:13cv00273 AWI DLB PC
Plaintiff,	) ORDER DIRECTING CLERK OF COURT TO CLOSE THIS ACTION
VS.	) PURSUANT TO PLAINTIFF'S ) NOTICE OF VOLUNTARY DISMISSAL
T. MILLER, et al.,	) (Document 5)
Defendants.	)

Plaintiff Charles E. Crayon ("Plaintiff") is a prisoner proceeding pro se in this civil rights action filed on February 25, 2013.

On March 22, 2013, Plaintiff filed a motion to dismiss this action. He states that he received his property and no longer wishes to pursue this action. The Court construes this as a request for voluntary dismissal pursuant to Federal Rule of Civil Procedure 41(a)(1)(A)(i).

At this stage in the proceedings, Plaintiff has the absolute right to dismiss his claims, without prejudice. <u>Duke Energy Trading and Marketing, L.L.C. v. Davis</u>, 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. <u>Id.</u>

Accordingly, the Clerk of the Court is HEREBY DIRECTED to close this file pursuant to Plaintiff's notice of voluntary dismissal filed on March 22, 2013.

IT IS SO ORDERED. Dated: March 26, 2013 SENIOR DISTRICT JUDGE