

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

ANTHONY RILEY,
Plaintiff,
v.
T. BEAULIEU, et al.,
Defendants.

Case No. 1:13-cv-00847-LJO-MJS (PC)
VOLUNTARY DISMISSAL OF ACTION
(ECF No. 10)
CLERK SHALL CLOSE CASE

On June 21, 2012, Plaintiff Anthony Riley, a state prisoner proceeding pro se, filed a civil claim in the Superior Court of the State of California, County of Kern. (ECF No. 2, Ex. A.) Defendants removed the matter to this Court on the grounds that the claims arise under 42 U.S.C. § 1983. (ECF No. 2.) This matter is in the screening phase.

Plaintiff filed a notice of voluntary dismissal on August 19, 2013. (ECF No. 10.) Under Fed. R. Civ. P. 41(a)(1)(A), a plaintiff may dismiss an action without a court order by filing a notice of dismissal. Plaintiff's August 19, 2013 notice is sufficient as a notice of dismissal under Rule 41.

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

//////
//////

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

The Clerk shall CLOSE this case.

IT IS SO ORDERED.

Dated: August 20, 2013

/s/ Michael J. Seng
UNITED STATES MAGISTRATE JUDGE