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6 **UNITED STATES DISTRICT COURT**

7 EASTERN DISTRICT OF CALIFORNIA
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11 CARLOS M. FLORES,) 1:13cv01447 DLB PC
12 Plaintiff,)
13 vs.) ORDER DIRECTING CLERK OF THE
14 CONNIE GIPSON,) COURT TO CLOSE THIS ACTION
15 Defendant.) PURSUANT TO PLAINTIFF'S NOTICE OF
) VOLUNTARY DISMISSAL
) (Document 7)
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17 Plaintiff Carlos M. Flores ("Plaintiff") is a prisoner proceeding pro se in this civil rights
18 action filed on September 10, 2013.¹

19 On December 16, 2013, Plaintiff filed a notice of voluntary dismissal pursuant to Federal
20 Rule of Civil Procedure 41(a)(1)(A)(i). Plaintiff requests that this action be withdrawn and
21 dismissed.

22 At this stage in the proceedings, Plaintiff has the absolute right to dismiss his claims,
23 without prejudice. Duke Energy Trading and Marketing, L.L.C. v. Davis, 267 F.3d 1042, 1049
24 (9th Cir. 2001). The filing of the notice itself has the effect of closing the action, and the Court
25 no longer has jurisdiction over the claims. Id.
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28 ¹ Plaintiff consented to the jurisdiction of the United States Magistrate Judge on September 16, 2013.

Accordingly, the Clerk of the Court is **HEREBY DIRECTED** to close this file pursuant to Plaintiff's notice of voluntary dismissal filed on December 16, 2013.

IT IS SO ORDERED.

Dated: **December 17, 2013**

/s/ Dennis L. Beck
UNITED STATES MAGISTRATE JUDGE