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5 **UNITED STATES DISTRICT COURT**
6 **EASTERN DISTRICT OF CALIFORNIA**
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8 **MAX SANCHEZ,**

9 **Plaintiff,**

10 **v.**

11 **DLUESTEM BRANDS**
12 **INCORPORATED,**

13 **Defendant.**

CASE NO. 1:13-CV-1461

**ORDER DIRECTING THE CLERK OF
THE COURT TO CLOSE THIS ACTION
IN LIGHT OF PLAINTIFF'S RULE 41
MOTION**

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15 On March 31, 2014, Plaintiff filed a motion for an order to dismiss this case with
16 prejudice. Although not stated in the notice, the Court construes it as one made pursuant to
17 Federal Rule of Civil Procedure 41(a)(1). A plaintiff has a right to voluntarily dismiss his action
18 prior to service of an answer or a motion for summary judgment. *Wilson v. City of San Jose*, 111
19 F.3d 688, 692 (9th Cir. 1997).

20 No answers to Plaintiff's complaint and no motions for summary judgment have been filed
21 in this case. Because Plaintiff has exercised his right to voluntarily dismiss the complaint under
22 Rule 41(a)(1), this case has terminated. Therefore, the Clerk of the Court is DIRECTED to close
23 this case in light of Plaintiff's Rule 41(a)(1) motion for an order of dismissal.

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25 IT IS SO ORDERED.

26 Dated: April 4, 2014


27 **SENIOR DISTRICT JUDGE**
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