

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

DAVID RANDOLPH SMITH,
Plaintiff,
v.
EDMUND G. BROWN, et al.,
Defendants.

CASE No. 1:13-cv-01693-MJS
ORDER DIRECTING CLERK OF THE
COURT TO CLOSE THIS CASE
PURSUANT TO PLAINTIFF'S NOTICE OF
VOLUNTARY DISMISSAL
(ECF No. 10)

On April 9, 2014, Plaintiff David Randolph Smith filed a motion seeking dismissal of this action without prejudice. (ECF No. 10.) At this stage in the proceedings, Plaintiff has the absolute right to dismiss his claims without prejudice pursuant to Federal Rule of Civil Procedure 41(a)(1)(A)(i). Duke Energy Trading and Marketing, L.L.C. v. Davis, 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. Id.

Accordingly, the Clerk of the Court is HEREBY DIRECTED to close this file pursuant to Plaintiff's motion seeking voluntary dismissal filed on April 9, 2014.

IT IS SO ORDERED.

Dated: May 30, 2014

/s/ Michael J. Seng
UNITED STATES MAGISTRATE JUDGE