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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

JAMES PAYNE,
Plaintiff,

v.

AUDREY KING, et al.,
Defendants.

CASE NO. 1:13-cv-1799-MJS (PC)
VOLUNTARY DISMISSAL OF ACTION
(ECF NO. 15)

CLERK TO TERMINATE ALL PENDING
MOTIONS AND CLOSE CASE

Plaintiff is a state prisoner proceeding *pro se* and *in forma pauperis* in this civil rights action brought pursuant to 42 U.S.C. § 1983. On April 16, 2015, Plaintiff filed a notice to withdraw his complaint and have his case dismissed without prejudice. (ECF No. 12.)

Under Federal Rule of Civil Procedure 41(a)(1)(A)(i), a plaintiff may dismiss an action without a court order by filing a notice of dismissal before the opposing party serves either an answer or a motion for summary judgment. Plaintiff's April 16, 2015 notice is sufficient under Rule 41.

Accordingly, this action is hereby DISMISSED without prejudice. The Clerk shall terminate all pending motions and CLOSE this case.

IT IS SO ORDERED.

Dated: April 17, 2015

/s/ Michael J. Seng
UNITED STATES MAGISTRATE JUDGE