UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

CHESTER RAY WISEMAN,

Plaintiff,

v.

MATTHEW CATE, et al.,

Defendants.

CASE No. 1:13-cv-01951-MJS

ORDER DIRECTING CLERK OF THE COURT TO CLOSE THIS CASE PURSUANT TO PLAINTIFF'S NOTICE OF VOLUNTARY DISMISSAL

(ECF No. 10)

On October 22, 2014, Plaintiff Chester Ray Wiseman 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 October 22, 2014.

IT IS SO ORDERED.

Dated: October 24, 2014

/s/ Michael J. Seng

UNITED STATES MAGISTRATE JUDGE