

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
FOR THE EASTERN DISTRICT OF CALIFORNIA

LEO CIENFUEGOS,
Plaintiff,
v.
PEREZ, et al.,
Defendants.

No. 1:14-cv-00215-DAD-DLB (PC)
ORDER GRANTING PLAINTIFF'S
REQUEST TO DISMISS ACTION AND
CLOSING CASE
(Doc. Nos. 35 and 39)

Plaintiff Leo Cienfuegos ("Plaintiff") is a California state prisoner proceeding pro se in this action pursuant to 42 U.S.C. § 1983. Defendants' March 21, 2016, motion for summary judgment is pending. (Doc. No. 35.)

On June 9, 2016, plaintiff filed a request to withdraw this action, stating that he has now received the relief he sought. (Doc. No. 39.) Defendants were ordered to inform the court whether they objected to a dismissal of this action within ten (10) days, as a dismissal would be without prejudice pursuant to Federal Rule of Civil Procedure 41(a)(2). (Doc. No. 40.)

On June 20, 2016, defendants indicated that they do not object to plaintiff's dismissal of this action. (Doc. No. 41.)

/////
/////
/////

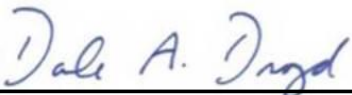
1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

Accordingly,

- 1) Plaintiff's motion to withdraw from the case (Doc. No. 39), construed as a motion for voluntary dismissal, is granted;
- 2) This action is dismissed without prejudice pursuant to Federal Rule of Civil Procedure 41(a)(2);
- 3) All pending motions (Doc. No. 35) are denied as moot; and
- 4) The Clerk of the Court is directed to close the case.

IT IS SO ORDERED.

Dated: July 21, 2016



UNITED STATES DISTRICT JUDGE