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**UNITED STATES DISTRICT COURT**  
EASTERN DISTRICT OF CALIFORNIA

TONY LEE HILL,

Plaintiff,

v.

CDCR, et al.,

Defendants.

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Case No. 1:14-cv-00414 AWI DLB PC

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

[ECF No. 16]

Plaintiff Tony Lee Hill is a California state prisoner proceeding pro se and in forma pauperis in this civil rights action pursuant to 42 U.S.C. § 1983. Plaintiff filed his complaint on March 24, 2014.

On May 14, 2014, Plaintiff filed a notice of voluntary dismissal pursuant to Federal Rule of Civil Procedure 41(a)(1)(i). At this stage in the proceedings, Plaintiff has the absolute right to dismiss his claims, without prejudice. Duke Energy Trading and Marketing, L.L.C. v. Davis, 267 F.3d 1042, 1049 (9th Cir. 2001). Filing a notice of dismissal with the court automatically terminates the action, and the Court no longer has jurisdiction over the claims. Id.; Concha v. London, 62 F.3d 1493, 1506 (9th Cir. 1995). Plaintiff has filed numerous motions in this case, including motions to withdraw the notice of dismissal; however, “a dismissal under Rule 41(a)(1) is effective on filing, no court order is required, the parties are left as though no action had been brought, the defendant can’t complain, and the district court lacks jurisdiction to do anything about it.” Commercial Space Management Co., Inc. v. Boeing Co., Inc., 193 F.3d 1074, 1078 (9th

1 Cir. 1999).

2 Accordingly, the Clerk of the Court is HEREBY DIRECTED to close this file pursuant to  
3 Plaintiff's notice of voluntary dismissal filed on May 14, 2014.

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5 IT IS SO ORDERED.

6 Dated: October 30, 2014

  
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SENIOR DISTRICT JUDGE

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