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

5 KENNETH R. CALIHAN,

6 Plaintiff,

7 v.

8 S. GONZALES,

9 Defendant.

Case No. 1:14-cv-00713-AWI-DLB PC

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

(Document 9)

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11 Plaintiff Kenneth R. Calihan ("Plaintiff"), a state prisoner proceeding pro se and in forma
12 pauperis, filed this civil rights action on May 13, 2014.

13 On December 4, 2014, Plaintiff filed a notice of voluntary dismissal pursuant to Federal Rule
14 of Civil Procedure 41(a)(1)(i). At this stage in the proceedings, Plaintiff has the absolute right to
15 dismiss his claims, without prejudice. Duke Energy Trading and Marketing, L.L.C. v. Davis, 267
16 F.3d 1042, 1049 (9th Cir. 2001). The filing of the notice itself has the effect of closing the action,
17 and the Court no longer has jurisdiction over the claims. Id.

18 Accordingly, the Clerk of the Court is HEREBY DIRECTED to close this file pursuant to
19 Plaintiff's notice of voluntary dismissal filed on December 4, 2014.

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21 IT IS SO ORDERED.

22 Dated: December 16, 2014

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28 SENIOR DISTRICT JUDGE