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

5
6 **DANIEL PHELPS,**

7 **Plaintiff,**

8 **v.**

9 **ELIZABETH VAN BIBBER,**

10 **Defendant.**

1:14-CV-722-LJO-GSA

**ORDER RE PLAINTIFF'S
VOLUNTARY DISMISSAL (DOC. 6)**

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13 On August 7, 2014, Plaintiff Daniel Phelps filed a notice of voluntary dismissal of this matter.
14 Doc. 6 at 1. The Court construes Plaintiff's dismissal to be brought under Fed. R. Civ. P. 41(a)(1)(A)(i)
15 because Defendant has not filed an answer or a motion for summary judgment. Plaintiff's dismissal
16 renders moot the pending Findings and Recommendations (Doc. 5).

17 Based on Plaintiff's notice of voluntary dismissal under Fed. R. Civ. P. 41(a)(1)(A)(i), this Court
18 **DISMISSES** without prejudice this entire action. The Clerk of Court is directed to **CLOSE THIS CASE**.

19 **SO ORDERED**

Dated: August 11, 2014

/s/ Lawrence J. O'Neill
United States District Judge