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UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

ENRIQUE DIAZ,

Plaintiff,

v.

R. COLES, et al.,

Defendants.

Case No. 1:14-cv-00833 AWI DLB

ORDER ON PLAINTIFF’S REQUEST FOR
VOLUNTARY DISMISSAL

(Document 11)

Plaintiff Enrique Diaz (“Plaintiff”) is a California state prison inmate proceeding pro se and in forma pauperis in this civil rights action pursuant to 42 U.S.C. § 1983. Plaintiff filed this action on June 2, 2014. On March 31, 2015, the Court dismissed Plaintiff’s First Amended Complaint with leave to amend. He has not yet filed an amended complaint.

On April 30, 2015, Plaintiff filed a request to withdraw this action due to a failure to exhaust. At this stage in the proceedings, Plaintiff has the absolute right to dismiss his claims without prejudice and without court order. Duke Energy Trading and Marketing, L.L.C. v. Davis, 267 F.3d 1042, 1049 (9th Cir. 2001); Fed. R. Civ. Proc. 41(a)(1)(i). The Court views Plaintiff’s request as a voluntary dismissal without prejudice under Rule 41(a)(1)(A)(i). Pursuant to Plaintiff’s requested dismissal, this case has terminated. See id.

Accordingly, the Clerk of Court is HEREBY DIRECTED to CLOSE this matter pursuant to Plaintiff’s requested voluntary dismissal without prejudice filed on April 30, 2015.

IT IS SO ORDERED.

Dated: May 4, 2015



SENIOR DISTRICT JUDGE