

1  
2  
3 UNITED STATES DISTRICT COURT  
4 EASTERN DISTRICT OF CALIFORNIA  
5

6 MIKE STARRETT,

7 Plaintiff,

8 v.

9 CLIFFORD ALLENBY, et al.,  
10

11 Defendants.

CASE NO. 1: 14-cv-01498-MJS (PC)

VOLUNTARY DISMISSAL OF ACTION

(ECF NO. 15)

CLERK TO TERMINATE ALL PENDING  
MOTIONS AND CLOSE CASE

12 Plaintiff is a civil detainee who was previously held at Coalinga State Hospital. He  
13 is proceeding *pro se* and *in forma pauperis* in this civil rights action pursuant to 42  
14 U.S.C. § 1983. (ECF Nos. 1 & 7.) Plaintiff consented to Magistrate Judge jurisdiction.  
15 (ECF No. 5.) On August 17, 2015, Plaintiff filed a Notice of Voluntary Dismissal. (ECF  
16 No. 15.)

17 Under Federal Rule of Civil Procedure 41(a)(1)(A)(i), a plaintiff may dismiss an  
18 action without a court order by filing a notice of dismissal before the opposing party  
19 serves either an answer or a motion for summary judgment. Plaintiff's August 17, 2015  
20 notice is sufficient under Rule 41.

21 Accordingly, this action is hereby DISMISSED without prejudice. The Clerk shall  
22 terminate all pending motions and CLOSE this case.

23  
24 IT IS SO ORDERED.

25 Dated: August 18, 2015

26 /s/ Michael J. Seng  
27 UNITED STATES MAGISTRATE JUDGE  
28