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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

THOMAS JAMES JOHNSON,
Plaintiff,
v.
DR. ALPHONSO,
Defendant.

Case No. 1:14-cv-01543 LJO-DLB PC

ORDER DIRECTING CLERK OF COURT TO
CLOSE ACTION PURSUANT TO
PLAINTIFF'S NOTICE OF VOLUNTARY
DISMISSAL

(Document 5)

Plaintiff Thomas James Johnson ("Plaintiff") is a California state prisoner proceeding pro se in this civil action pursuant to 42 U.S.C. § 1983. Plaintiff filed this action on October 2, 2014.

On October 6, 2014, the Court ordered Plaintiff to submit an application to proceed in forma pauperis, or pay the filing fee, within forty-five days.

On October 16, 2014, Plaintiff responded to the Court's order, explaining that he did not want funds to be withdrawn from his prison trust account. He concluded by stating, "I'm going to have to let this 'Injustice,' etc. of Plaintiff v. Defendant(s) pass." ECF No. 5, at 1. The Court construes this as 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.

1 2001). The filing of the notice itself has the effect of closing the action, and the Court no longer has
2 jurisdiction over the claims. *Id.*

3 Accordingly, the Clerk of the Court is HEREBY DIRECTED to close this file pursuant to
4 Plaintiff's notice of voluntary dismissal filed on October 16, 2014.

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6 IT IS SO ORDERED.

7 Dated: October 20, 2014

/s/ Lawrence J. O'Neill
UNITED STATES DISTRICT JUDGE

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