UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

LAWRENCE RUDY KIRK, Plaintiff, v. CLIFF ALLENBY, et al., Defendants.	**CASE NO. 1:14-cv-01975-LJO-MJS (PC)** **VOLUNTARY DISMISSAL OF ACTION** **(ECF NO. 17)** **CLERK TO TERMINATE ALL PENDING MOTIONS AND CLOSE CASE**

Plaintiff is a civil detainee proceeding pro se and in forma pauperis in this civil rights action brought pursuant to 42 U.S.C. § 1983. On February 23, 2015, Plaintiff filed a Notice of Withdrawal of Civil Rights Complaint. (ECF No. 17.)

Under Federal Rule of Civil Procedure 41(a)(1)(A)(i), a plaintiff may dismiss an action without a court order by filing a notice of dismissal before the opposing party serves either an answer or a motion for summary judgment. Plaintiff's February 23, 2015 notice is sufficient under Rule 41.

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

SO ORDERED
Dated: February 25, 2015

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

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