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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

TOMAS SILVA,
 Plaintiff,

 v.

HERRERA, et al.,
 Defendants.

Case No. 1:14-cv-02011-DLB PC

ORDER GRANTING PLAINTIFF’S
NOTICE OF VOLUNTARY DISMISSAL

(Document 11)

Plaintiff Tomas Silva (“Plaintiff”) is a California state prisoner proceeding pro se and in forma pauperis in this action pursuant to 42 U.S.C. § 1983. Plaintiff filed his complaint on October 31, 2014. The Court dismissed the complaint with leave to amend on May 28, 2015. Plaintiff has not yet filed an amended complaint.¹

On June 25, 2015, Plaintiff filed 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. 2001). The filing of the notice itself has the effect of closing the action, and the Court no longer has jurisdiction over the claims. Id.

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¹ Plaintiff consented to the jurisdiction of the United States Magistrate Judge on January 12, 2015.

