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4 UNITED STATES DISTRICT COURT  
5 EASTERN DISTRICT OF CALIFORNIA  
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7 JAMES PAYNE,

8 Plaintiff,

9 v.

10 CLIFF ALLENBY, et al.,

11 Defendants.  
12

**CASE NO. 1:14-cv-02044-LJO-MJS (PC)**

**VOLUNTARY DISMISSAL OF ACTION**

**(ECF NO. 10)**

**CLERK TO TERMINATE ALL PENDING  
MOTIONS AND CLOSE CASE**

13 Plaintiff is a civil detainee proceeding pro se and in forma pauperis in this civil  
14 rights action brought pursuant to 42 U.S.C. § 1983. On February 19, 2015, Plaintiff filed  
15 a Notice of Withdrawal of Civil Rights Complaint. (ECF No. 10.)

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

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

22 **SO ORDERED**

23 **Dated: February 24, 2015**

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