

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

MITCHELL F. MORENO,

Plaintiff,

v.

STATE OF CALIFORNIA NORTH KERN
STATE PRISON,

Defendant.

Case No. 1:15-cv-00358 AWI DLB PC

ORDER DIRECTING CLERK OF THE
COURT TO CLOSE THIS CASE
PURSUANT TO PLAINTIFF'S NOTICE OF
VOLUNTARY DISMISSAL

[ECF No. 11]

Plaintiff Mitchell F. Moreno is a California state prisoner proceeding pro se and in forma pauperis in this civil rights action pursuant to 42 U.S.C. § 1983. Plaintiff filed his complaint on March 6, 2015.

On May 6, 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). Filing a notice of dismissal with the court automatically terminates the action, and the Court no longer has jurisdiction over the claims. Id.; Concha v. London, 62 F.3d 1493, 1506 (9th Cir. 1995). “[A] dismissal under Rule 41(a)(1) is effective on filing, no court order is required, the parties are left as though no action had been brought, the defendant can’t complain, and the district court lacks jurisdiction to do anything about it.” Commercial Space Management Co., Inc. v. Boeing Co., Inc., 193 F.3d 1074, 1078 (9th Cir.

1 1999).

2 Accordingly, the Clerk of the Court is HEREBY DIRECTED to close this file pursuant to
3 Plaintiff's notice of voluntary dismissal filed on May 6, 2015.

4
5 IT IS SO ORDERED.

6 Dated: May 7, 2015



SENIOR DISTRICT JUDGE

7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28