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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

JAMES MARION SIMS,

 Plaintiff,

 v.

PFEIFFER, et al.,

 Defendants.

Case No. 1:15-cv-01263 DLB (PC)

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

(Document 11)

Plaintiff James Marion Sims (“Plaintiff”), an inmate in the custody of the California Department of Corrections and Rehabilitation, is proceeding pro se and in forma pauperis in this civil rights action pursuant to 42 U.S.C. § 1983.¹ On March 11, 2016, the Court dismissed Plaintiff’s First Amended Complaint with leave to amend.

On March 30, 2016, Plaintiff filed a motion to dismiss this action. 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 & Mktg., 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 November 30, 2015.

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Accordingly, the Clerk of the Court is HEREBY DIRECTED to close this file pursuant to Plaintiff's notice of voluntary dismissal, filed on March 30, 2016.²

IT IS SO ORDERED.

Dated: March 31, 2016

/s/ Dennis L. Beck
UNITED STATES MAGISTRATE JUDGE

² Plaintiff is informed that the Court cannot waive the remaining filing fee due.