

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

BILLY COY COCHRAN,
Plaintiff
v.
J BEARD, et al.,
Defendant

CASE NO. 1:15-cv-01456-MJS (PC)

VOLUNTARY DISMISSAL OF ACTION

(ECF No. 8)

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

Plaintiff is a state prisoner proceeding pro se and in forma pauperis in this civil rights action brought pursuant to 42 U.S.C. § 1983. On December 28, 2015, Plaintiff filed a request for voluntary dismissal. (ECF No. 8.)

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 December 28, 2015 request is sufficient under Rule 41.

Accordingly, this action is DISMISSED without prejudice pursuant to Plaintiff's notice of voluntary dismissal. The Clerk shall terminate all pending motions and CLOSE this case.

IT IS SO ORDERED.

Dated: January 4, 2016

/s/ *Michael J. Seng*
UNITED STATES MAGISTRATE JUDGE