UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

MARTIN V. ONTIVEORS, Plaintiff, v. ST. CLAIR, et al., Defendants.	**CASE NO. 1:15-cv-01565-MJS (PC)** **VOLUNTARY DISMISSAL OF ACTION** **(ECF No. 36)** **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 February 27, 2017, Plaintiff filed a notice of voluntary dismissal. (ECF No. 36.)

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 February 27, 2017 notice is sufficient under Rule 41.

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

IT IS SO ORDERED.

Dated: March 1, 2017

/s/ Michael J. Seng

UNITED STATES MAGISTRATE JUDGE