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**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA**

NEIL EDWARD STONE,)	Case No.: 1:15-cv-01571-SAB (PC)
)	
Plaintiff,)	
)	ORDER DIRECTING CLERK OF THE COURT
v.)	TO CLOSE THIS CASE PURSUANT TO
)	PLAINTIFF'S NOTICE OF VOLUNTARY
E. PEREZ, et al.,)	DISMISSAL
)	
Defendants.)	[ECF No. 8]
)	
)	

Plaintiff Neil Edward Stone is appearing pro se and in forma pauperis in this civil rights action pursuant to 42 U.S.C. § 1983. Pursuant to 28 U.S.C. § 636(c), Plaintiff consented to the jurisdiction of the United States magistrate judge on November 2, 2015. Local Rule 302.

On March 28, 2016, Plaintiff filed a notice entitled “non[-]opposition to motion to dismiss.” (ECF No. 8.) Plaintiff states that although he feels “his claims could have been made cognizable ... he feels that his time at this moment could be better spent in the assistance of others.” (Id.)

Pursuant to Federal Rule of Civil Procedure 41, “... plaintiff may dismiss an action without a court order by filing: (i) a notice of dismissal before the opposing party serves either an answer or a motion for summary judgment....” Fed. R. Civ. P. 41(a)(1)(i). Thus, 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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Accordingly, the Clerk of the Court is HEREBY DIRECTED to close this file pursuant to Plaintiff's notice of voluntary dismissal filed on March 28, 2016.

IT IS SO ORDERED.

Dated: March 29, 2016


UNITED STATES MAGISTRATE JUDGE