UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

SAMUEL A. ACINELLI, Plaintiff, v. ULYSSES VILLAMIL BANIGA, et al., Defendants.	Case No.: 1:15-cv-01624-AWI-SAB (PC) ORDER DIRECTING CLERK OF COURT TO CLOSE CASE PURSUANT TO PLAINTIFF'S NOITICE OF VOLUNTARY DISMISSAL [ECF No. 5]

Plaintiff Samuel A. Acinelli is appearing pro se in this civil rights action pursuant to 42 U.S.C. § 1983. On November 9, 2015, Plaintiff filed a notice of voluntary dismissal pursuant to Federal Rule of Civil Procedure 41(a)(1)(i), as this case is duplicative of case number 1:15-cv-01616-MJS (PC). 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. Id.

Accordingly, the Clerk of the Court is HEREBY DIRECTED to close this file pursuant to Plaintiff's notice of voluntary dismissal filed on November 9, 2015.

IT IS SO ORDERED.

Dated: November 13, 2015

SENIOR DISTRICT JUDGE