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8 **UNITED STATES DISTRICT COURT**
9 **EASTERN DISTRICT OF CALIFORNIA**
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11 PAUL THAO,

12 Plaintiff,

13 v.

14 UNITED STATES,

15 Defendant.
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Case No. 1:15-cv-01679---SAB

ORDER DIRECTING CLERK OF COURT
TO CLOSE CASE AND ADJUST DOCKET
TO REFLECT VOLUNTARY DISMISSAL

(ECF No. 6)

17 This action was filed on November 3, 2015. (ECF No. 1.) On January 12, 2016, Plaintiff
18 filed a notice of voluntary dismissal pursuant to Rule 41(a)(1) of the Federal Rules of Civil
19 Procedure.

20 “[U]nder Rule 41(a)(1)(A)(i), ‘a plaintiff has an absolute right to voluntarily dismiss his
21 action prior to service by the defendant of an answer or a motion for summary judgment.’ ”
22 Commercial Space Mgmt. Co., Inc. v. Boeing Co., Inc., 193 F.3d 1074, 1077 (9th Cir. 1999)
23 (quoting Wilson v. City of San Jose, 111 F.3d 688, 692 (9th Cir. 1997)). “[A] dismissal under
24 Rule 41(a)(1) is effective on filing, no court order is required, the parties are left as though no
25 action had been brought, the defendant can’t complain, and the district court lacks jurisdiction to
26 do anything about it.” Commercial Space Mgmt. Co., Inc., 193 F.3d at 1078. In this action, no
27 defendant has filed an answer or other responsive pleading.

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1 Accordingly, the Clerk of the Court is HEREBY ORDERED to CLOSE the file in this
2 case and adjust the docket to reflect voluntary dismissal of this action pursuant to Rule 41(a).

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4 IT IS SO ORDERED.

5 Dated: January 13, 2016


UNITED STATES MAGISTRATE JUDGE