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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

EDWARD RONJE,
Plaintiff,
v.
NORM KRAMER, et al.,
Defendants.

Case No. 1:15-cv-01753-LJO-BAM (PC)
ORDER REGARDING PLAINTIFF’S
NOTICE OF VOLUNTARY DISMISSAL
(ECF No. 10)
ORDER DIRECTING CLERK OF COURT TO
CLOSE CASE AND ADJUST DOCKET TO
REFLECT VOLUNTARY DISMISSAL

Plaintiff Edward Ronje (“Plaintiff”) is a civil detainee proceeding pro se and in forma pauperis in this civil rights action under 42 U.S.C. § 1983. Plaintiff initiated this action on November 19, 2015. (ECF No. 1.) On December 22, 2016, Plaintiff filed a notice of voluntary dismissal of this action. (ECF No. 10.)

“[U]nder Rule 41(a)(1)(i), a plaintiff has an absolute right to voluntarily dismiss his action prior to service by the defendant of an answer or a motion for summary judgment.” *Commercial Space Mgmt. Co., Inc. v. Boeing Co., Inc.*, 193 F.3d 1074, 1077 (9th Cir. 1999) (quotation and citation omitted). “[A] dismissal under Rule 41(a)(1) is effective on filing, no court order is required, the parties are left as though no action had been brought, the defendant can’t complain, and the district court lacks jurisdiction to do anything about it.” *Id.* at 1078. No defendant has been served in this action and no defendant has filed an answer or motion for summary judgment.

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Accordingly, the Clerk of the Court is HEREBY ORDERED to CLOSE the file in this case and adjust the docket to reflect voluntary dismissal of this action without prejudice under Rule 41(a). All pending motions, if any, are terminated.

IT IS SO ORDERED.

Dated: December 23, 2016

/s/ Barbara A. McAuliffe
UNITED STATES MAGISTRATE JUDGE