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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

JAKAN CHAMEL MILLS,
Plaintiff,
v.
RYAN MILLER, et al.,
Defendants.

CASE NO. 1:16-cv-0689-MJS (PC)
ORDER DISMISSING ACTION
(ECF No. 7)
CLERK OF COURT TO 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. Plaintiff consented to magistrate judge jurisdiction. (ECF No. 5.) No other parties have appeared in this action.

On August 19, 2016, the undersigned screened Plaintiff's complaint and found it to state an Eighth Amendment excessive force claim against Defendants Bonffil, Clark, Souvannakham, Pinedo, and Ryan. Plaintiff was informed that he could proceed on the complaint as screened or file an amended complaint.

On September 16, 2016, Plaintiff filed a motion to withdraw his complaint. (ECF No. 7.) The Court found the motion somewhat confusing, and so on September 22, 2016, directed Plaintiff to undertake to clarify the request or the Court would proceed to

1 dismiss the action pursuant to Federal Rule of Civil Procedure 41(a). Plaintiff did not
2 respond within the time specified. The Court therefore construes Plaintiff's motion as a
3 notice of dismissal under Rule 41(a).

4 Accordingly, it is HEREBY ORDERED that Plaintiff's motion to withdraw complaint
5 (ECF No. 7) is GRANTED, and this action is dismissed.

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7 IT IS SO ORDERED.

8 Dated: November 7, 2016

1st Michael J. Seng
UNITED STATES MAGISTRATE JUDGE

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