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6 **UNITED STATES DISTRICT COURT**

7 EASTERN DISTRICT OF CALIFORNIA

8 THOMAS BODNAR,

9 Plaintiff,

10 v.

11 CALIFORNIA DEPARTMENT OF
12 CORRECTIONS AND REHABILITATION,
13 et al.,

14 Defendants

Case No. 1:16-cv-01398-SAB (PC)

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

(ECF No. 21)

15 Plaintiff Thomas Bodnar is proceeding pro se and in forma pauperis in this civil rights
16 action pursuant to 42 U.S.C. § 1983. On June 19, 2017, Plaintiff filed a notice of voluntary
17 dismissal pursuant to Rule 41(a)(1)(A)(i) of the Federal Rules of Civil Procedure. (ECF No. 21.)

18 “[U]nder Rule 41(a)(1)(A)(i), ‘a plaintiff has an absolute right to voluntarily dismiss his
19 action prior to service by the defendant of an answer or a motion for summary judgment.’ ”
20 Commercial Space Mgmt. Co., Inc. v. Boeing Co., Inc., 193 F.3d 1074, 1077 (9th Cir. 1999)
21 (quoting Wilson v. City of San Jose, 111 F.3d 688, 692 (9th Cir. 1997)). The Ninth Circuit has
22 held that Rule 41(a) allows a plaintiff to dismiss without a court order any defendant who has yet
23 to serve an answer or motion for summary judgment. Pedrina v. Chun, 987 F.2d 608, 609 (9th
24 Cir. 1993).

25 “[A] dismissal under Rule 41(a)(1) is effective on filing, no court order is required, the
26 parties are left as though no action had been brought, the defendant can’t complain, and the
27 district court lacks jurisdiction to do anything about it.” Commercial Space Mgmt. Co., Inc., 193

