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**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA**

KORY T. O'BRIEN,  
  
                                Plaintiff,  
  
                  v.  
  
DR. SIED and J. LEWIS,  
  
                                Defendants.

Case No. 1:16-cv-01426-EPG (PC)  
  
ORDER DENYING REQUEST FOR RETURN  
OF FILING FEE AND DIRECTING THE  
CLERK OF COURT TO CLOSE THE CASE  
(ECF NO. 10)

On February 13, 2017, Plaintiff filed a notice<sup>1</sup> dismissing this action without prejudice.<sup>2</sup> (ECF No. 10). In light of the dismissal, this action has been terminated, Fed. R. Civ. P. 41(a)(1)(A)(i); *Wilson v. City of San Jose*, 111 F.3d 688, 692 (9th Cir. 1997), and has been dismissed without prejudice. Accordingly, the Clerk of Court is DIRECTED to terminate all pending motions and deadlines and close this case.

IT IS SO ORDERED.

Dated: February 15, 2017

/s/ Eric P. Gray  
UNITED STATES MAGISTRATE JUDGE

<sup>1</sup> Although Plaintiff titled his notice of dismissal as a “motion to dismiss [sic],” the Court construes this request as a notice of dismissal under Rule 41(a)(1)(A)(i) of the Federal Rules of Civil Procedure.

<sup>2</sup> Plaintiff also requested that any money he paid toward the filing fee be returned. This request is DENIED. The filing fee is collected by the Court as payment for filing the case, and Plaintiff’s case was filed.