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5 UNITED STATES DISTRICT COURT
6 EASTERN DISTRICT OF CALIFORNIA
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8 RANDY STOOPS,

9 Plaintiff,

10 v.

11 STUART SHERMAN, et al,

12 Defendants.
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CASE NO. 1:16-cv-01581-DAD-MJS (PC)

VOLUNTARY DISMISSAL OF ACTION

(ECF No. 11)

**CLERK TO TERMINATE ALL PENDING
MOTIONS AND CLOSE CASE**

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15 Plaintiff is a state prisoner proceeding pro se and in forma pauperis in this civil
16 rights action brought pursuant to 42 U.S.C. § 1983. On February 3, 2017, Plaintiff filed a
17 motion to voluntarily dismiss the action. (ECF No. 11.)

18 Under Federal Rule of Civil Procedure 41(a)(1)(A)(i), a plaintiff may dismiss an
19 action without a court order by filing a notice of dismissal before the opposing party
20 serves either an answer or a motion for summary judgment. Plaintiff's February 3, 2017
21 motion is sufficient under Rule 41.

22 Accordingly, this action is DISMISSED without prejudice. The Clerk shall
23 terminate all pending motions and CLOSE this case.

24 IT IS SO ORDERED.
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26 Dated: February 3, 2017

/s/ Michael J. Seng
27 UNITED STATES MAGISTRATE JUDGE
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