

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

MIKE BAKER,

 Plaintiff,

 v.

BEAM, *et al.*,

 Defendants.

Case No. 1:16-cv-01737-AWI-BAM (PC)

**ORDER GRANTING PLAINTIFF'S
UNOPPOSED REQUEST FOR VOLUNTARY
DISMISSAL OF ACTION WITHOUT
PREJUDICE**

(ECF No. 67)

Plaintiff Mike Baker (“Plaintiff”) is a state prisoner proceeding *pro se* and *in forma pauperis* in this civil rights action under 42 U.S.C. § 1983. This action proceeds on Plaintiff’s second amended complaint against: (1) Defendants Vogel, Caldwell, and Cervantes for deliberate indifference in violation of the Eighth Amendment; (2) Defendants Vasquez, Vogel, Beam, Cuevas, Caldwell, Cervantes, Huerta, Benevidas, Goree, Cribbs, Diaz, Jarvis, and Pacillas for retaliation in violation of the First Amendment; (3) Defendants Vasquez, Vogel, Beam, Cuevas, Caldwell, Cervantes, Huerta, and Benevidas for conspiracy; (4) Defendants Vogel, Beam, Cuevas, Caldwell, Cervantes, Huerta, and Benevidas for denial of access to the courts in violation of the First and Fourteenth Amendments; (5) Defendants Vogel, Beam, Cuevas, Caldwell, Cervantes, Huerta, and Benevidas for a state law claim for property deprivation; (6) Defendants Beam, Huerta, and Benevidas for violation of California Civil Code § 52.1; (7) Defendant Vogel for a state law claim of intentional infliction of emotional distress; and (8) Defendants Vogel, Caldwell, and Cervantes for a state law claim for negligent infliction of emotional distress.

1 On March 22, 2021, Plaintiff filed a “Motion to Dismiss All Claims Without Prejudice,”
2 stating that he is voluntarily dismissing all claims remaining and requesting that the Court order
3 this action dismissed without prejudice. (ECF No. 67.) The same date, Defendants filed a
4 statement of non-opposition to Plaintiff’s motion and to the dismissal of this action without
5 prejudice. (ECF No. 68.)

6 Pursuant to Federal Rule of Civil Procedure 41(a)(2), and in light of Defendants’
7 statement of non-opposition, the Court finds the terms of the dismissal proper.

8 Accordingly, IT IS HEREBY ORDERED as follows:

- 9 1. Plaintiff’s motion to dismiss all claims without prejudice, (ECF No. 67), is granted;
- 10 2. This action is dismissed without prejudice; and
- 11 3. The Clerk of the Court is directed to terminate all pending motions and deadlines and
12 close this case.

13
14 IT IS SO ORDERED.

15 Dated: March 23, 2021



16 SENIOR DISTRICT JUDGE

17
18
19
20
21
22
23
24
25
26
27
28