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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

MICHAEL JACOBSEN,
Plaintiff,
v.
POOL, et al.,
Defendants.

Case No. 1:16-cv-01760-LJO-BAM (PC)
ORDER REGARDING PLAINTIFF’S
MOTION TO DISMISS ACTION
(ECF No. 31)

Plaintiff Michael Jacobsen (“Plaintiff”) is a county jail inmate proceeding *pro se* and *in forma pauperis* in this civil rights action under 42 U.S.C. § 1983. Plaintiff initiated this action on November 21, 2016. On May 15, 2018, Plaintiff filed a motion to dismiss this action, which the Court construes as a notice of voluntary dismissal pursuant to Federal Rule of Civil Procedure 41(a)(1)(A)(i). (ECF No. 31.)

“[U]nder Rule 41(a)(1)(i), a plaintiff has an absolute right to voluntarily dismiss his action prior to service by the defendant of an answer or a motion for summary judgment.” Commercial Space Mgmt. Co., Inc. v. Boeing Co., Inc., 193 F.3d 1074, 1077 (9th Cir. 1999) (quotation and citation omitted). “[A] dismissal under Rule 41(a)(1) is effective on filing, no court order is required, the parties are left as though no action had been brought, the defendant can’t complain, and the district court lacks jurisdiction to do anything about it.” Id. at 1078. No defendant has been served in this action and no defendant has filed an answer or motion for summary

1 judgment.

2 Accordingly, this action is terminated by operation of law without further order from the
3 Court. Fed. R. Civ. P. 41(a)(1)(A)(i). The Clerk of the Court is directed to terminate all pending
4 motions and deadlines, and close this case.

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6 IT IS SO ORDERED.

7 Dated: May 16, 2018

/s/ Barbara A. McAuliffe
UNITED STATES MAGISTRATE JUDGE

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