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**UNITED STATES DISTRICT COURT**

EASTERN DISTRICT OF CALIFORNIA

JUSTIN BRACKEN,  
Plaintiff,  
v.  
DURAN, et al.,  
Defendants.

**Case No. 1:17-cv-00306-AWI-JLT (PC)**  
**ORDER REQUIRING PLAINTIFF TO FILE  
STATEMENT REGARDING DISMISSAL**  
**(Doc. 16)**  
**14-DAY DEADLINE**

On June 20, 2017, the Court screened the Complaint and dismissed it with leave to amend to allow the plaintiff to cure the deficiencies noted. Alternatively, the plaintiff could file a notice of voluntary dismissal. (Doc. 15.) In response, Plaintiff filed a notice that he is “not ready to go through with” this action until he goes “home and find (sic) me a lawyer (sic) will represent me. Bye thank you and God bless.” (Doc. 16.) It appears that Plaintiff intends to voluntarily dismiss this action, but this is not certain as his filing neither included the case caption, nor the case number, nor indicated that it was a voluntary dismissal. Voluntary dismissal of an action under Rule 41 of the Federal Rules of Civil Procedure is without prejudice, but the Court requires confirmation from Plaintiff that he wishes to voluntarily dismiss this action before it will close the case.

Accordingly, **within 14 days** of the date of service of this order, the plaintiff **SHALL** file a statement indicating whether he wishes to voluntarily dismiss this action. He **SHALL** include

1 the case name and number on the notice. If Plaintiff fails to comply with this order, the Court  
2 will assume that his most recent filing (Doc. 16) is a request for voluntary dismissal without  
3 prejudice under Rule 41 and it will close the action.

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5 IT IS SO ORDERED.

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Dated: July 19, 2017

/s/ Jennifer L. Thurston  
UNITED STATES MAGISTRATE JUDGE

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