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

DEVONTE B. HARRIS,)	Case No.: 1:17-cv-00640-DAD-SAB (PC)
)	
Plaintiff,)	
)	ORDER DIRECTING THE CLERK OF THE
v.)	COURT TO TERMINATE DEFENDANTS G.
)	SANDOR, E. MOLINA, J. BULGARIN, A.
CONNIE GIPSON, et al.,)	BELNAP, T. QUILLEN, J. CARRANZA, I.
)	ALVARADO, L. HURTADO, C. PEREZ, AND M.
Defendants.)	MAGANA AS PARTIES IN THIS ACTION
)	PURSUANT TO FED. R. CIV. P. 41(a)
)	
)	(ECF No. 6)
)	
)	
)	

Plaintiff Devonte B. Harris is appearing pro se and in forma pauperis in this civil rights action pursuant to 42 U.S.C. § 1983. Plaintiff declined United States Magistrate Judge jurisdiction; therefore, this matter was referred to a United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

On August 9, 2017, the Court dismissed Plaintiff’s complaint, with leave to amend, for failure to state a cognizable claim for relief. (ECF No. 8.) On September 13, 2017, the Court granted Plaintiff a thirty day extension of time to file an amended complaint. (ECF No. 10.)

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1 On September 18, 2017, Plaintiff filed a notice of voluntarily dismissal of Defendants G.
2 Sandor, E. Molina, J. Bulgarin, A. Belnap, T. Quillen, J. Carranza, I. Alvarado, L. Hurtado, C. Perez,
3 and M. Magana.

4 Rule 41(a) of the Federal Rules of Civil Procedure allows a party to dismiss some or all of the
5 defendants or claims in an action through a Rule 41(a) notice. Wilson v. City of San Jose, 111 F.3d
6 688, 692 (9th Cir. 1997). At this stage in the proceedings, Plaintiff has the absolute right to dismiss
7 his claims against Defendants G. Sandor, E. Molina, J. Bulgarin, A. Belnap, T. Quillen, J. Carranza, I.
8 Alvarado, L. Hurtado, C. Perez, and M. Magana, without prejudice. Duke Energy Trading & Mktg.,
9 L.L.C. v. Davis, 267 F.3d 1042, 1049 (9th Cir. 2001). The filing of the notice itself has the effect of
10 terminating these Defendants, and the Court no longer has jurisdiction over the claims against those
11 Defendants. Id. However, Plaintiff is advised that if he wishes to amend his claims against the other
12 remaining Defendants, he must file an amended complaint in accordance with the deadline set forth in
13 the Court's September 13, 2017, order granting his extension of time, or the action will be dismissed
14 for failure to comply with a court order and failure to state a cognizable claim for relief.

15
16 IT IS SO ORDERED.

17 Dated: September 20, 2017



UNITED STATES MAGISTRATE JUDGE