



1 consistent with the October 23, 2017 Order. *Id.*

2 On November 2, 2017, Plaintiff filed a notice stating that he would like to stand on his  
3 complaint, and at the same time was unaware he must wait for resolution of all the issues  
4 concerning his challenge to his criminal conviction before filing a § 1983 action. (ECF No. 11.)  
5 Plaintiff requests that the Court dismiss this action without prejudice. *Id.*

6 Pursuant to Fed. R. Civ. P. 41(a)(1)(A)(i), Plaintiff may dismiss his action without a court  
7 order. Thus, this action is dismissed without prejudice. *See Wilson v. City of San Jose*, 111 F.3d  
8 688, 692 (9th Cir. 1997); *Concha v. London*, 62 F.3d 1493, 1506 (9th Cir. 1995). Accordingly,  
9 the Clerk of the Court is DIRECTED to close this case.

10 IT IS SO ORDERED.

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12 Dated: November 7, 2017

/s/ Eric P. Gray  
UNITED STATES MAGISTRATE JUDGE

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