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

CARLOS ROMERO BURNETT,)	Case No.: 1:17-cv-00899-LJO-SAB (PC)
)	
Plaintiff,)	ORDER DIRECTING CLERK OF COURT TO
)	CLOSE CASE AND ADJUST DOCKET TO
v.)	REFLECT VOLUNTARY DISMISSAL
)	
C.D.C.R TRUST OFFICE,)	(ECF No. 28)
)	
Defendant.)	
)	
)	

Plaintiff Carlos Romero Burnett is a state prisoner proceeding pro se and in forma pauperis in this civil rights action pursuant to 42 U.S.C. § 1983.

On March 27, 2018, Plaintiff filed a document stating that he no longer has a claim and would like to close this action. The Court construes the filing as a notice of voluntary dismissal pursuant to Rule 41(a)(1)(A)(i) of the Federal Rules of Civil Procedure. (ECF No. 28.)

“[U]nder Rule 41(a)(1)(A)(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) (quoting Wilson v. City of San Jose, 111 F.3d 688, 692 (9th Cir. 1997)). The Ninth Circuit has held that Rule 41(a) allows a plaintiff to dismiss without a court order any defendant who has yet to serve an answer or motion for summary judgment. Pedrina v. Chun, 987 F.2d 608, 609 (9th Cir. 1993).

1 “[A] dismissal under Rule 41(a)(1) is effective on filing, no court order is required, the parties
2 are left as though no action had been brought, the defendant can’t complain, and the district court
3 lacks jurisdiction to do anything about it.” Commercial Space Mgmt. Co., Inc., 193 F.3d at 1078. In
4 this action, no complaint has been served, no defendant has appeared, and no defendant has filed any
5 answer or motion for summary judgment.

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

9
10 IT IS SO ORDERED.

11 Dated: March 29, 2018



UNITED STATES MAGISTRATE JUDGE