

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

JOSE ACOSTA,

Plaintiff,

V.

CHU PHUONG dba LINDA SEAFOOD
MARKET, *et al.*,

Defendants.

Case No. 1:17-CV-00915-LJO-EPG

**ORDER DIRECTING THE CLERK OF
THE COURT TO CLOSE CASE**

(ECF No. 12)

On October 9, 2017, Plaintiff filed a notice voluntarily dismissing this action. (ECF No.

12.) Thus, the case has ended and is dismissed with prejudice. *See Fed. R. Civ. P. 41(a)(1)(A)(i); Wilson v. City of San Jose*, 111 F.3d 688, 692 (9th Cir. 1997); *Concha v. London*, 62 F.3d 1493, 1506 (9th Cir. 1995) (“Even if the defendant has filed a motion to dismiss, the plaintiff may terminate his action voluntarily by filing a notice of dismissal under Rule 41(a)(1).”).

Accordingly, the Clerk of the Court is DIRECTED to close this case.

IT IS SO ORDERED.

Dated: **October 11, 2017**

/s/ Eric P. Groj
UNITED STATES MAGISTRATE JUDGE