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8 **UNITED STATES DISTRICT COURT**  
9 **EASTERN DISTRICT OF CALIFORNIA**  
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11 DEBRA ANGLIN, ) Case No.: 1:17-cv-00974-AWI- JLT  
12 Plaintiff, )  
13 v. ) ORDER DIRECTING THE CLERK TO UPDATE  
14 ETHELE BARRON, et al., ) THE DOCKET AND TERMINATE JOSE  
15 Defendant. ) GONZALES AS A DEFENDANT IN THE  
16 ) ACTION  
) (Doc. 12)  
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17 Debra Anglin filed a Notice of Dismissal as to defendant Jose Gonzales without prejudice.  
18 (Doc. 12) Pursuant to Fed.R.Civ.P. 41(a)(1)(A)(i), “the plaintiff may dismiss an action without a court  
19 order by filing . . . a notice of dismissal before the opposing party serves either an answer or a motion  
20 for summary judgment.” Because Mr. Gonzales has not filed an answer or motion for summary  
21 judgment, the dismissal was effective without an order of the court. *See* Fed. R. Civ. Pro. 41(a)(2);  
22 *Wilson v. City of San Jose*, 111 F.3d 688, 692 (9th Cir. 1997).

23 Accordingly, the Clerk of Court is **DIRECTED** to updated the docket and terminate Jose  
24 Gonzales as a defendant in the action.

25  
26 IT IS SO ORDERED.

27 Dated: October 4, 2017

/s/ Jennifer L. Thurston  
28 UNITED STATES MAGISTRATE JUDGE