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UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

NICHOLAS PATRICK,

 Plaintiff,

 v.

DIAZ, et al.,

 Defendants.

Case No. 1:17-cv-01121-AWI-SKO (PC)

**ORDER ON PLAINTIFF’S
MOTION TO DISMISS**

(Doc. 2, 9, 10)

TWENTY-ONE (21) DAY DEADLINE

Plaintiff, Nicholas Patrick, is a state prisoner proceeding *pro se* in this civil rights action pursuant to 42 U.S.C. § 1983. On December 28, 2017, Plaintiff filed a document titled “Motion: to dismiss.” (Doc. 12.) However, in the body of that motion, Plaintiff wrote: “Plaintiff hereby voluntarily (sic) dismisses case # 2:17-cv-01121-AWI-SKO.” (*Id.*)

There is no case numbered “2:17-cv-1121-AWI-SKO” in this court. There is a case numbered 2:17-cv-1121-TLN-GGH, *Online Guru Inc. v. Cartagz, Inc.*, in the Sacramento Division of this Court, but Plaintiff is not a party to that action. Plaintiff may have accidentally begun the case number for this action with a “2” instead of a “1” in his voluntary dismissal. Although this appears to be the case because Plaintiff placed an “X” through the “2” and the “1” he wrote above it, the Court will require confirmation of Plaintiff’s desire to voluntarily dismiss *this* action since it is case dispositive.

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Accordingly, if Plaintiff desires to voluntarily dismiss this action, he is **HEREBY ORDERED** to file a notice of voluntary dismissal reflecting the correct case number for this action within twenty-one (21) days from the date of service of this order.

IT IS SO ORDERED.

Dated: January 3, 2018

/s/ Sheila K. Overt
UNITED STATES MAGISTRATE JUDGE