

1 BAM (PC). (Id.)

2 Although Plaintiff refers to Case No. 1:18-cv-01147-BAM (PC) in his motion, that action
3 has already been closed, and therefore the document was filed in the instant case. Based on the
4 motion, it is unclear to the Court whether Plaintiff intends to voluntarily dismiss this action,
5 without prejudice, pursuant to Federal Rule of Civil Procedure 41(a)(1)(A)(i), or whether Plaintiff
6 is mistakenly trying to close Case No. 1:18-cv-01147-BAM (PC), which is already closed. The
7 Court notes that the instant case alleges violations of Plaintiff's civil rights based on a June 5,
8 2017 incident involving the use of excessive force by Defendant Frazier and a July 27, 2017 due
9 process violation by Defendant Hurlbut, Nouwels, and Hodges during his rule violation hearing.
10 (ECF No. 19.)

11 Accordingly, within **fourteen (14) days** from the date of service of this order, Plaintiff
12 shall clarify, in writing, whether he intends to voluntarily dismiss this action, Case No. 1:17-cv-
13 01702-DAD-BAM (PC), pursuant to Rule 41, or whether he is attempting to dismiss Case No.
14 1:18-cv-01147-BAM (PC), which is already closed. **Plaintiff's failure to respond to the**
15 **Court's order will result in dismissal of this action for failure to obey a court order and**
16 **failure to prosecute.**

17
18 IT IS SO ORDERED.

19 Dated: September 19, 2018

/s/ Barbara A. McAuliffe
20 UNITED STATES MAGISTRATE JUDGE