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8   **UNITED STATES DISTRICT COURT**

9
      EASTERN DISTRICT OF CALIFORNIA
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11   THOMAS H. GOSS,   Case No. 1:18-cv-00073-LJO-SAB (PC)

12   Plaintiff,   ORDER DIRECTING CLERK OF COURT
                                                   TO CLOSE CASE AND ADJUST DOCKET
13   v.   TO REFLECT VOLUNTARY DISMISSAL
                                                   AND TERMINATING ALL PENDING
14   PAM AHLIN, et al.,   MATTERS

15   Defendants.   (ECF No. 13)

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18   Plaintiff Thomas H. Goss, a civil detainee, is appearing pro se and in forma pauperis in this

19   civil rights action pursuant to 42 U.S.C. § 1983. On May 21, 2018, Plaintiff filed a notice of

20   voluntary dismissal pursuant to Rule 41(a)(1) of the Federal Rules of Civil Procedure.

21   "[U]nder Rule 41(a)(1)(A)(i), 'a plaintiff has an absolute right to voluntarily dismiss his

22   action prior to service by the defendant of an answer or a motion for summary judgment.' "

23   Commercial Space Mgmt. Co., Inc. v. Boeing Co., Inc., 193 F.3d 1074, 1077 (9th Cir. 1999)

24   (quoting Wilson v. City of San Jose, 111 F.3d 688, 692 (9th Cir. 1997)). The Ninth Circuit has

25   held that Rule 41(a) allows a plaintiff to dismiss without a court order any defendant who has yet

26   to serve an answer or motion for summary judgment. Pedrina v. Chun, 987 F.2d 608, 609 (9th Cir.

27   1993). "[A] dismissal under Rule 41(a)(1) is effective on filing, no court order is required, the

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1 parties are left as though no action had been brought, the defendant can't complain, and the district

2 court lacks jurisdiction to do anything about it." Commercial Space Mgmt. Co., Inc., 193 F.3d at

3 1078. In this action, no defendant has filed an answer or other responsive pleading.

4   Accordingly, the Clerk of the Court is HEREBY ORDERED to CLOSE the file in this case

5 and adjust the docket to reflect voluntary dismissal of this action pursuant to Rule 41(a). All

6 pending matters are HEREBY TERMINATED.

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8 IT IS SO ORDERED.

9 Dated: **May 23, 2018**

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UNITED STATES MAGISTRATE JUDGE