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UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

AHKEEM DESHAVIER WILLIAMS,

Case No. 1:18-cv-00183-AWI-SKO

Plaintiff,

v.

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

CALIFORNIA HIGHWAY PATROL
OFFICER ANDERSON,

(Doc. 36)

Defendant. /

Plaintiff Ahkeem Deshavier Williams is a prisoner at California State Prison in Wasco. On February 6, 2018, Plaintiff, proceeding pro se and *in forma pauperis*, filed a civil rights action under 42 U.S.C. § 1983 arising out of his arrest on October 20, 2016, by an officer with the California Highway Patrol.

On October 22, 2018, Plaintiff, in response to the Court’s October 11, 2018 order (Doc. 34), filed a “motion” voluntarily dismissing his case without prejudice. (Doc. 36.) In relevant part, Rule 41(a)(1)(A) provides as follows:

[A] plaintiff may dismiss an action without a court order by filing: (i) a notice of dismissal before the opposing party serves either an answer or a motion for summary judgment; or (ii) a stipulation of dismissal signed by all parties who have appeared.

Fed. R. Civ. P. 41(a)(1)(A). Rule 41(a)(1)(B) provides further that “[u]nless the notice or stipulation states otherwise, the dismissal is without prejudice.” Fed. R. Civ. P. 41(a)(1)(B).

Plaintiff filed his voluntary dismissal before the opposing party served either an answer or a motion for summary judgment. As such, Plaintiff has voluntarily dismissed this matter without prejudice pursuant to Federal Rules of Civil Procedure 41(a)(1)(A)(i) and (1)(B). The Court

1 therefore DIRECTS the Clerk of Court to close this case.

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3 IT IS SO ORDERED.

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5 Dated: October 24, 2018

/s/ Sheila K. Oberto
UNITED STATES MAGISTRATE JUDGE

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