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UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

WILLIAM J. GRADFORD,  
Petitioner,  
v.  
MULE CREEK STATE PRISON,  
Respondent.

No. 1:18-cv-00279-DAD-SKO

ORDER DIRECTING CLERK OF COURT TO  
CLOSE THIS CASE

(Doc. Nos. 5, 7)

Petitioner is a state prisoner proceeding *pro se* with a petition for writ of habeas corpus pursuant to 28 U.S.C. § 2254. On March 2, 2018, the assigned magistrate judge issued findings and recommendations recommending the case be dismissed due to petitioner’s failure to state a cognizable habeas claim. (Doc. No. 5.) On March 16, 2018, petitioner filed a notice stating that he has no objections to the findings and recommendations the magistrate judge issued, and requested the case be voluntarily dismissed without prejudice. Respondent has not yet been served and accordingly has not yet filed a responsive pleading. Pursuant to Federal Rule of Civil Procedure 41(a)(1)(A), a plaintiff in a civil action may dismiss that action without a court order by filing a notice of dismissal before the opposing party files a responsive pleading. Such a dismissal “is effective on filing and no court order is required” to dismiss the case. *Comm’l Space Mgmt. Co. v. Boeing Co., Inc.*, 193 F.3d 1074, 1077 (9th Cir. 1999).

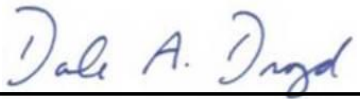
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Accordingly, the Clerk of the Court is directed to close the case and administratively terminate any pending motions.

IT IS SO ORDERED.

Dated: May 16, 2018

  
UNITED STATES DISTRICT JUDGE