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**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA**

JESSIE MOREHEAD,

Plaintiff,

v.

UNKNOWN,

Defendant.

Case No.: 1:18-cv-01433-SAB (PC)

ORDER DENYING PLAINTIFF’S MOTION FOR
APPOINTMENT OF COUNSEL AS MOOT

[ECF No. 15]

On September 13, 2018, Plaintiff filed this civil rights action pursuant to 42 U.S.C. § 1983, in the United States District Court for the Eastern District of California. (ECF No. 1.)

On October 17, 2018, the action was transferred to this Court. (ECF No. 6.)

On October 30, 2018, Plaintiff filed a notice of voluntary dismissal pursuant to Federal Rule of Civil Procedure 41(a)(1)(i). (ECF No. 10.) Plaintiff indicated that he simply wrote a letter to the Court and did not wish to open a new case. (Id.) Based on Plaintiff’s absolute right to dismiss the case under Rule 41, on November 2, 2018, the Court directed the Clerk of Court to terminate this action based on Plaintiff’s request to dismiss the action. (ECF No. 12.)

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On November 5, 2018, Plaintiff filed a motion for appointment of counsel. (ECF No. 15.)
Because this action was terminated based on Plaintiff's clear representation that he wished to
voluntary dismiss the action, Plaintiff's present motion for appointment of counsel is denied as moot.

IT IS SO ORDERED.

Dated: November 8, 2018


UNITED STATES MAGISTRATE JUDGE