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

MICHAEL J. PRICE,  
  
Plaintiff,  
  
v.  
  
S. GUERRERO,  
  
Defendant.

Case No. 1:19-cv-00329-BAM (PC)  
  
ORDER REGARDING PLAINTIFF’S  
NOTICE OF VOLUNTARY DISMISSAL  
  
(ECF No. 12)

Plaintiff Michael J. Price is proceeding *pro se* and *in forma pauperis* in this civil rights action pursuant to 42 U.S.C. § 1983. On October 3, 2019, Plaintiff filed a notice of voluntary dismissal pursuant to Federal Rule of Civil Procedure 41(a)(1)(A)(i). (ECF No. 12.)

Under Rule 41(a)(1)(A)(i), “a plaintiff has an absolute right to voluntarily dismiss his action prior to service by the defendant of an answer or a motion for summary judgment.” Wilson v. City of San Jose, 111 F.3d 688, 692 (9th Cir. 1997) (citation omitted). No defendant in this action has served an answer or a motion for summary judgment.

Accordingly, this action is terminated by operation of law without further order from the Court. Fed. R. Civ. P. 41(a)(1)(A)(i). The Clerk of the Court is directed to terminate all pending deadlines and close this case.  
IT IS SO ORDERED.

Dated: October 4, 2019

/s/ Barbara A. McAuliffe  
UNITED STATES MAGISTRATE JUDGE