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8 UNITED STATES DISTRICT COURT
9 FOR THE EASTERN DISTRICT OF CALIFORNIA
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11 THOMAS K. MILLS,

12 Plaintiff,

13 v.

14 I.Z. JONES, et al.,

15 Defendants.
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No. 1:21-cv-01193-ADA-HBK

GRANTING PLAINTIFF'S CONSTRUED
MOTION TO DISMISS UNDER FED. R. CIV.
P. 41(a)(2)

(ECF No. 159)

17 Pending before the Court is Plaintiff's construed motion to dismiss under Fed. R. Civ. P.
18 41(a)(2). (ECF No. 159; *see also* ECF No. 162). Plaintiff stated that he wishes to dismiss the
19 entire action without prejudice. (ECF No. 159.) Defendants filed a statement of non-opposition
20 to Defendant's motion to dismiss. (ECF No. 163).

21 Rule 41(a)(2) states, in relevant part:

22 [A]n action may be dismissed at the plaintiff's request only by court
23 order on terms the court considers proper Unless the order
24 states otherwise, a dismissal under this paragraph (2) is without
prejudice.

25 Trial courts have broad discretion to grant motions for voluntary dismissal under Rule
26 41(a)(2). *See Hamilton v. Firestone Tire & Rubber Co., Inc.*, 679 F.2d 143, 145 (9th Cir. 1982).

27 Here, there is no disagreement regarding the terms and conditions of the requested dismissal.

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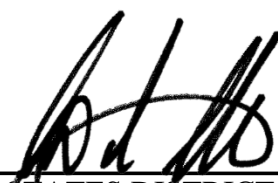
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Accordingly,

1. Plaintiff's motion to dismiss (ECF No. 159) is granted;
2. The matter is dismissed without prejudice; and
3. The Clerk of Court shall terminate all pending motion and close this case.

IT IS SO ORDERED.

Dated: January 19, 2023


UNITED STATES DISTRICT JUDGE