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UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

ELIAS SERDA DIAZ,  
Plaintiff,  
v.  
UNKNOWN,  
Defendant.

Case No. 1:24-cv-00745-JLT-HBK (PC)  
CLERK TO CLOSE CASE BASED UPON  
PLAINTIFF’S VOLUNTARY DISMISSAL  
UNDER FED. R. CIV. P. 41 (a)(1)(A)(i)  
(Doc. No. 21)

On November 21, 2024, Plaintiff filed a pleading titled “Notice of Voluntary Dismissal.” (Doc. No. 21, “Notice”). The Notice, signed and dated by Plaintiff on November 17, 2024, states he would like “to voluntarily dismiss” the above case “to avoid the strike.” (*Id.*). The Notice follows the Court’s November 8, 2024, Screening Order, which found that Plaintiff’s Complaint failed to state any cognizable federal claim. (*See* Doc. No. 20). Because no defendant has been served and no answer nor motion for summary judgment has been filed, Plaintiff may voluntarily dismiss this action by operation of law without further order from the Court. *See* Fed. R. Civ. P. 41(a)(1)(A)(i).


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Accordingly, the Clerk of Court is directed to vacate all deadlines and CLOSE this case to reflect Plaintiff's Notice of Voluntary Dismissal **without prejudice** (Doc. No. 21) consistent with Fed. R. Civ. P. 41(a)(1)(A)(i).

Dated: November 22, 2024

  
HELENA M. BARCH-KUCHTA  
UNITED STATES MAGISTRATE JUDGE