

UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF CALIFORNIA

RENE BONILLA,

Plaintiff,

V.

M. TOSCANO and CDCR,

Defendants.

Case No. 1:25-cv-00211-HBK (PC)

CLERK TO ASSIGN CASE TO DISTRICT
JUDGE AND CLOSE CASE BASED UPON
PLAINTIFF'S VOLUNTARY DISMISSAL
UNDER FED. R. CIV. P. 41 (a)(1)(A)(i)

(Doc. No. 8)

On March 7, 2025, Plaintiff filed a pleading stating “I, Rene Bonilla” … want to dismiss this action without prejudice to refiling a new action once administrative remedies are fully exhausted.” (Doc. No. 8, “Notice”). The Notice follows the Court’s February 21, 2025 Order Screening Order deferring a ruling on Plaintiff’s motion to proceed *in forma pauperis* and ordering Plaintiff to show cause why the case should not be dismissed for failing to exhaust his administrative remedies. (See Doc. No. 7). 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).*

Accordingly, it is **ORDERED**:

The Clerk of Court is directed to assign this case to a district judge, terminate Plaintiff's

1 motion to proceed *in forma pauperis* (Doc. No. 2) as moot, and CLOSE this case to reflect
2 Plaintiff's Notice of Voluntary Dismissal ***without prejudice*** (Doc. No. 8) consistent with Fed. R.
3 Civ. P. 41(a)(1)(A)(i).

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Dated: March 10, 2025

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HELENA M. BARCH-KUCHTA
UNITED STATES MAGISTRATE JUDGE