

THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

OSCAR ARREOLA,	)	CIVIL NO. 2:08-00805 JMS
	)	
Plaintiff,	)	ORDER DISMISSING ACTION
	)	
vs.	)	
	)	
G. DUDLEY,	)	
	)	
Defendant.	)	
_____	)	

**ORDER DISMISSING ACTION**

On November 1, 2010, pro se prisoner Plaintiff Oscar Arreola (“Plaintiff”) filed a document entitled “Motion: of Dismissal of Action Involuntary Dismissal.” Plaintiff seeks dismissal of this action without prejudice due to various difficulties he is facing in proceeding with this action. Although Plaintiff titled his motion as seeking involuntary dismissal, Plaintiff is actually seeking a voluntary dismissal. Specifically, Federal Rule of Civil Procedure 41(a)(2) governing voluntary dismissals provides that “an action may be dismissed at the plaintiff’s request only by court order, on terms that the court considers proper.” Unless the court finds otherwise, such dismissal is without prejudice. Fed. R. Civ. P. 41(a)(2).

The court therefore DISMISSES this action without prejudice. The Clerk of Court is directed to close this action.

IT IS SO ORDERED.

DATED: Honolulu, Hawaii, November 3, 2010.



/s/ J. Michael Seabright  
J. Michael Seabright  
United States District Judge