(PC) Vandenburgh v. Solano County et al Doc. 12

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

MARK J. VANDENBURGH, Plaintiff, vs. SOLANO COUNTY, SOLANO COUNTY SHERIFF'S DEPARTMENT, Defendants.	NO. CV-08-863-EFS (PC) **ORDER DISMISSING COMPLAINT WITHOUT PREJUDICE AND DIRECTING THAT COLLECTION OF THE FILING FEE CEASE**

Before the Court, without oral argument, is Plaintiff Mark J. Vandenburgh's Motion to Voluntarily Dismiss Complaint (Ct. Rec. 10) pursuant to Federal Rule of Civil Procedure 41(a). Defendants have not been served in this action. Accordingly, **IT IS HEREBY ORDERED:** Plaintiff's Motion to Voluntarily Dismiss Complaint **(Ct. Rec. 10)** is **GRANTED;** the Complaint is **DISMISSED WITHOUT PREJUDICE.**

Plaintiff also filed a Motion to Waive Collection of Remaining Filing Fee. (Ct. Rec. 11.) For good cause shown, **IT IS HEREBY ORDERED:** Plaintiff's Motion to Waive Collection of Remaining Filing Fee **(Ct. Rec. 11)** is **GRANTED;** the institution having custody of Mr. Vandenburgh shall cease collection of the filing fee in this action, cause number **CV-08-863-EFS (PC).**

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IT IS SO ORDERED. The District Court Executive is directed to:

1. enter this Order;
2. enter judgment of dismissal without prejudice;
3. forward a copy of this Order to Plaintiff and the **California Department of Corrections, Office of Legal Affairs, P.O. Box 942883, Sacramento, CA 94283-0001**, to forward to the appropriate agency having custody of Plaintiff; and
4. close the file.

DATED this 6th day of February 2009.

S/ Edward F. Shea
EDWARD F. SHEA
UNITED STATES DISTRICT JUDGE

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