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**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA**

DONALD WASHINGTON, JR.

Plaintiff,

vs.

DELAROSA,

Defendants.

Case No. 2:08-cv-1273-KJD-PAL

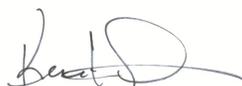
ORDER

Currently before the Court is Plaintiff Donald Washington’s Motion for Voluntary Dismissal (#15). The Motion was docketed as motion to dismissal, yet the Court construes the Motion as one seeking voluntary dismissal pursuant to Fed. R. Civ. P. 41. Specifically, Plaintiff seeks that the Court “dismiss this action and stop all filing fees cause (sic) I am unable to afford any filing fee.” (#15 at 1.)

However, pursuant to an earlier order, Plaintiff’s prison trust account is subject to payment of filing fees which, without further action of the Court, will continue even if this case is dismissed.

Accordingly, having reviewed the Motion, good cause appearing, **IT IS HEREBY ORDERED** that Plaintiff’s Motion for Voluntary Dismissal (#15) is **DENIED, without prejudice.** Plaintiff will inform the Court, within 30 days from the date of this Order, of his decision whether to pursue this case to a conclusion.

DATED: September 30, 2010



Kent J. Dawson
United States District Judge