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IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

LACEDRIC JOHNSON,

Plaintiff,

No. 2:08-cv-1609 KJM KJN P

vs.

D.K. SISTO, et al.,

Defendants.

ORDER

_____ /

Plaintiff, a state prisoner proceeding without counsel or pro se, has filed this civil rights action seeking relief under 42 U.S.C. § 1983. The matter was referred to a United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

On April 5, 2011, the magistrate judge filed findings and recommendations herein (Dkt. No. 82) which were served on all parties and which contained notice to all parties that any objections to the findings and recommendations were to be filed within twenty-one days. Plaintiff was granted until May 26, 2011, to file objections to the findings and recommendations. However, on May 27, 2011, rather than file objections, plaintiff filed a notice of voluntary dismissal of the defendants subject to the findings and recommendations. Defendants did not file objections to the recommended dismissal of defendants Jones and Peterson.

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1 Pursuant to Fed. R. Civ. P. 41(a), plaintiff's request shall be honored, and
2 plaintiff's claims against defendants Jones and Peterson are dismissed without prejudice. See
3 Fed. R. Civ. P 41(b).

4 Accordingly, IT IS HEREBY ORDERED plaintiff's claims against defendants
5 Jones and Peterson are dismissed without prejudice. See Fed. R. Civ. P 41(b). (Dkt. No. 82.)

6 DATED: June 7, 2011

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9 KENDALL J. NEWMAN
UNITED STATES MAGISTRATE JUDGE

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