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

PHIL DARGHTY,

Plaintiff,

No. CIV S-08-2819 FCD GGH P

vs.

S. CERVANTES,

Defendant.

ORDER

_____/

Plaintiff, a state prisoner proceeding pro se, has requested that this action be dismissed without prejudice. Pursuant to Fed. R. Civ. P. 41(a), the action is dismissed without prejudice.

Accordingly, the Clerk of Court shall close this case.

DATED: January 8, 2009

/s/ Gregory G. Hollows

UNITED STATES MAGISTRATE JUDGE

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