

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26

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

PELISI FOKETI FONUA,

Plaintiff,

No. CIV S-09-1675 DAD P

vs.

A. ROBY, et al.,

Defendants.

ORDER

_____/

Plaintiff, a state prisoner proceeding pro se, has requested that this action be dismissed. He has also requested that the court vacate its order granting him in forma pauperis, presumably because he wishes to avoid paying the filing fee in connection with this action. Pursuant to Fed. R. Civ. P. 41(a), plaintiff's request to dismiss this action shall be honored. However, pursuant to 28 U.S.C. § 1915(b)(1), he "shall [still] be required to pay the full amount of [the] filing fee."

Accordingly, IT IS HEREBY ORDERED that: (1) this action is dismissed; and (2) plaintiff's request to vacate the order granting him in forma pauperis is denied.

DATED: March 25, 2010.

DAD:sj
fonu1675.59



DALE A. DROZD
UNITED STATES MAGISTRATE JUDGE