

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

10 || WILLIAM L. BEEM,

11 Plaintiff, No. 2:09-cv-2991 GEB KJN P

12 ||

13 || CRAIG, et al.,

14 Defendants.

## ORDER

15 Plaintiff, a former state prisoner proceeding in this civil rights action, has filed a  
16 request to voluntarily dismiss this case. Federal Rule of Civil Procedure 41 provides that the  
17 court may dismiss an action without prejudice upon the plaintiff's request. Fed. R. Civ. P.  
18 41(a)(2). Plaintiff is informed, however, that should he again seek to pursue the claims set forth  
19 herein, he must file an entirely new action with an original complaint, subject to applicable  
20 statute of limitations; he may not file an "amended complaint" in the instant action, which will be  
21 closed pursuant to this order.

23 | Accordingly, IT IS HEREBY ORDERED that:

24                   1. Plaintiff's request for dismissal of this action (Dkt. No. 27) is granted; this  
25 action is dismissed without prejudice;

26 2. Defendants' motion to dismiss (Dkt. No. 26) is denied as moot; and

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3. The Clerk of Court is directed to close this case.

2 DATED: May 5, 2011

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5 KENDALL J. NEWMAN  
6 UNITED STATES MAGISTRATE JUDGE

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