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

BILLY J. LACEY,

Plaintiff,

No. CIV S-10-0306 FCD GGH P

vs.

DERRAL ADAMS, et al.,

Defendants.

ORDER

_____/

Plaintiff, a state prisoner proceeding pro se, seeks relief pursuant to 42 U.S.C. § 1983. On September 17, 2010, plaintiff filed a motion for voluntary dismissal of this case pursuant to Pursuant to Fed. R. Civ. P. 41(a). Doc. 26. No defendants have appeared. Pursuant to Fed. R. Civ. P. 41(a), the action is dismissed is without prejudice.

Accordingly, IT IS HEREBY ORDERED that this case be dismissed without prejudice.

DATED: September 29, 2010

/s/ Gregory G. Hollows

UNITED STATES MAGISTRATE JUDGE