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

10 CHARLES G. REECE,

11 Plaintiff,

No. CIV S-10-2770 JAM GGH P

12 vs.

13 GARY SWARTHOUT, Warden,

14 Defendant.

ORDER

15 _____/
16 Plaintiff, a state prisoner proceeding pro se, has moved to withdraw his complaint,
17 i.e., to dismiss this action voluntarily. While defendants' motion to dismiss is pending,
18 defendants have not yet filed an answer or a motion for summary for summary judgment.
19 Therefore, pursuant to Fed. R. Civ. P. 41(a)(1)(A)(i), the action is dismissed.

20 Accordingly, the Clerk of Court shall close this case.

21 DATED: May 4, 2011

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23 /s/ Gregory G. Hollows

24 _____
GREGORY G. HOLLOWS
UNITED STATES MAGISTRATE JUDGE

25 GGH:009/mp
26 reec2770.59ggh