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

BRIAN M. GLASGOW,

No. CIV S-10-2858-FCD-CMK

Plaintiff,

vs.

ORDER

BRUCE MUTTER,

Defendant.

\_\_\_\_\_ /

Plaintiff, proceeding in pro se, brings this civil action. Pending before the court is defendants' statement of non-opposition to plaintiff's request for voluntary dismissal (Doc. 19).

Defendant has informed the court of his belief that plaintiff wishes to voluntarily dismiss this action. In support of this belief, defendant has attached to his statement of non-opposition, the voluntary dismissal notice he received from plaintiff. Plaintiff apparently sent defendant notice of his intent to dismiss this action following a telephone conversation with counsel. Plaintiff has not, however, filed such a notice with the court, and serving the notice on the defendant is not sufficient. If plaintiff wishes to voluntarily dismiss this case, he must file such a notice with the court. Because no response to the complaint has been filed, leave of court is not required and this action can be dismissed on plaintiff's notice. See Fed. R. Civ. P.

1 41(a)(1)(A)(i).

2                   Accordingly, IT IS HEREBY ORDERED that plaintiff shall notify the court,  
3 within 20 days of the date of this order, whether he wishes to voluntarily dismiss this case or  
4 otherwise inform the court as to how he wishes to proceed.

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6 DATED: May 10, 2011

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8 **CRAIG M. KELLISON**  
9 UNITED STATES MAGISTRATE JUDGE  
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