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

MICHAEL WRIGHT,

Plaintiff,

No. CIV S-10-3302 EFB (TEMP) P

vs.

VIRGA, et al.,

Defendants.

ORDER

Plaintiff is a state prisoner proceeding without counsel in an action brought under 42 U.S.C. § 1983. This proceeding was referred to this court by Local Rule 72-302 pursuant to 28 U.S.C. § 636(b)(1).

Currently pending is plaintiff's February 3, 2011 motion for voluntary dismissal. Subject to exceptions not applicable here, a plaintiff may voluntarily dismiss an action without a court order by filing a notice of dismissal before the opposing party serves either an answer or a motion for summary judgment. Fed. R. Civ. P. 41(a)(1)(A). Defendants have not yet appeared in this action.

Accordingly, it is ORDERED that this case is dismissed without prejudice.

Dated: February 9, 2011.


EDMUND F. BRENNAN
UNITED STATES MAGISTRATE JUDGE