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

MIKE ANGEL ESCALANTE,

Plaintiff,
vs.

No. CIV S-11-1508 JAM GGH P

E. UHREN, et al.,

Defendants.

ORDER

Plaintiff is a state prisoner proceeding pro se. He seeks relief pursuant to 42 U.S.C. § 1983. On October 17, 2011, the undersigned filed findings and recommendations that this action be dismissed without leave to amend as it was Heck barred, though plaintiff could of course re-file the case if his conviction was invalidated, expunged or reversed.

On November 3, 2011, plaintiff filed a notice voluntary dismissal. Within 7 days defendants may file an opposition to this case being voluntarily dismissed pursuant to Rule 41(a). If defendants choose not to file a response, the undersigned will construe that as non-opposition.

DATED: November 14, 2011

/s/ Gregory G. Hollows
UNITED STATES MAGISTRATE JUDGE

GGH: AB
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