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UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

RODNEY DIAL,

Plaintiff,

v.

SCOTT HEATLEY, et al.,

Defendants.

No. 2:12-cv-2569 AC P


ORDER

Plaintiff is a state prisoner proceeding pro se and in forma pauperis in this civil rights action filed pursuant to 42 U.S.C. § 1983. This action is referred to the undersigned United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302(c). Currently pending are two motions for summary judgment filed by defendants. ECF Nos. 74, 75. Plaintiff’s oppositions were due on August 28, 2015. ECF No. 73. However, on September 11, 2015, plaintiff filed the instant motion requesting dismissal of this case without prejudice. ECF No. 76.

Accordingly, for good cause shown, IT IS HEREBY ORDERED that:

- 1. Plaintiff’s motion filed September 11, 2015, ECF No. 76, is granted; and
- 2. This action is dismissed without prejudice, see Fed. R. Civ. P. 41(a)(2).

DATED: September 16, 2015

  
 ALLISON CLAIRE  
 UNITED STATES MAGISTRATE JUDGE