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UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

DEXTER BROWN,  
Plaintiff,  
v.  
STATE OF CALIFORNIA, et al.,  
Defendants.

No. 2:12-cv-3045 MCE AC P

ORDER

Plaintiff is a state prisoner proceeding pro se with a civil rights action filed pursuant to 42 U.S.C. § 1983. Currently before the court is plaintiff’s request to voluntarily dismiss the case. ECF No. 54.

Federal Rule of Civil Procedure 41(a)(1) allows a plaintiff to voluntarily dismiss an action without prejudice without an order of the court if the opposing party has not yet filed an answer or motion for summary judgment. The defendant in this case has not yet been served, and the court will therefore honor plaintiff’s request to dismiss this action without prejudice. In light of plaintiff’s request to voluntarily dismiss the case, the findings and recommendations filed January 19, 2016, which recommended dismissal based on plaintiff’s failure to submit a completed service packet, will be vacated.


Accordingly, IT IS HEREBY ORDERED that:

- 1. The findings and recommendations filed January 19, 2016 (ECF No. 53), are vacated.

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2. Plaintiff's request to voluntarily dismiss the case (ECF No. 54) will be honored and this case is dismissed pursuant to Federal Rule of Civil Procedure 41(a)(1).

DATED: March 3, 2016

  
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ALLISON CLAIRE  
UNITED STATES MAGISTRATE JUDGE