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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

PETER T. HARRELL,

Plaintiff,

v.

MARCI BUTTRAM, et al.,

Defendants.

No. 2:14-CV-00582-KJM-AC

ORDER

On September 22, 2014, plaintiff, proceeding pro se, filed a motion to dismiss this action under Rule 41 of the Federal Rules of Civil Procedure. ECF No. 13. Rule 41(a)(1)(A)(i) states a plaintiff may 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)(i). Defendants were served on September 9, 2014 but have not appeared in this action. Plaintiff’s motion to dismiss is therefore granted.¹

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¹ This order does not discharge the court’s September 15, 2014 order to show cause directing defendants to either show cause why they failed to waive service or pay the U.S. Marshal the cost of personal service. Defendants were directed to respond within thirty days of service of the order. The order was served on October 1, 2014. ECF No. 11.

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Accordingly, IT IS HEREBY ORDERED that:

- (1) Plaintiff's motion to dismiss this action, ECF No. 13, is granted;
- (2) The status conference currently scheduled for October 22, 2014 is vacated; and
- (3) The Clerk of the Court is directed to close this action.

DATED: October 7, 2014



ALLISON CLAIRE
UNITED STATES MAGISTRATE JUDGE