

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

DAVID WAYNE POTTER,  
Plaintiff,  
v.  
DEUEL VOCATIONAL INSTITUTION,  
et al.,  
Defendants.

No. 2:14-cv-1727 CKD P

ORDER

Plaintiff, a state prisoner proceeding pro se, has requested that this action be dismissed and that the court vacate the order requiring plaintiff to pay the filing fee. Good cause appearing, IT IS HEREBY ORDERED that:

1. Plaintiff's motion to dismiss (ECF No. 15) is granted pursuant to Fed R. Civ. P. 41(a).
2. This action is dismissed.
3. The court's October 8, 2014 order instructing the Director of the California Department of Corrections and Rehabilitation to collect from plaintiff's trust account the amount necessary to cover the filing fee for this action and to forward it to the Clerk of the Court is vacated. Plaintiff will not be required to pay the filing fee for this action except for what has already been collected.


////

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

4. The Clerk of the Court is directed to serve a copy of this order upon the Director of the California Department of Corrections and Rehabilitation, 1515 S Street, Sacramento, CA, 95814.

5. The Clerk is also directed to serve a copy of this order on the Financial Department of the court.

Dated: November 10, 2014

  
\_\_\_\_\_  
CAROLYN K. DELANEY  
UNITED STATES MAGISTRATE JUDGE

1/mp  
pott1727.59