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UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

BENJAMIN ELLIS,  
  
Plaintiff,  
  
v.  
  
CALIFORNIA CORRECTIONAL  
HEALTH CARE SERVICES, et al.,  
  
Defendants.

No. 2:16-cv-1555 GEB KJN P

ORDER

Plaintiff is a state prisoner, proceeding without counsel, with a civil rights action pursuant to 42 U.S.C. § 1983. On April 11, 2017, the undersigned dismissed the amended complaint with thirty days to file a second amended complaint. (ECF No. 10.) Plaintiff did not file a second amended complaint. Accordingly, on May 19, 2017, the undersigned recommended that this action be dismissed, without prejudice, based on plaintiff’s failure to file a second amended complaint. (ECF No. 11.)

On May 22, 2017, and June 15, 2017, plaintiff filed motions to voluntarily dismiss this action with prejudice. (ECF Nos. 12, 14.) Good cause appearing, the findings and recommendations are vacated. Pursuant to Federal Rule of Civil Procedure 41(a), plaintiff’s motions for voluntary dismissal with prejudice are granted.

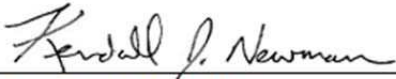
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Accordingly, IT IS HEREBY ORDERED that:

1. The May 19, 2017, findings and recommendations (ECF No. 11) are vacated;
2. This action is dismissed with prejudice.

Dated: June 21, 2017

  
KENDALL J. NEWMAN  
UNITED STATES MAGISTRATE JUDGE

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