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**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA**

JOSEPH L. ENNIS,  
Plaintiff,  
v.  
A. HERRERA, et al.,  
Defendants.

No. 2:18-CV-0816-DMC-P

ORDER

Plaintiff, a prisoner proceeding pro se, brings this civil rights action pursuant to 42 U.S.C. § 1983.

On April 9, 2019, the court determined this action was appropriate for service on defendants Molina, Jian Ma, Aubert, and Herrera. See ECF No. 12. As to the remaining defendants, the court concluded plaintiff failed to state a claim. See id. Plaintiff was advised of the pleading defects and provided an opportunity to file an amended complaint. See id. In response to the court’s order, plaintiff filed a document entitled “Plaintiff’s Motion to Proceed Only on the Four Defendants that the court Find to Pass the Screening.” ECF No. 14. Plaintiff states that he “only wishes to proceed on the (4) defendants Molina, Jian Ma, Aubert, and Herrera.” Id. at p. 2.

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Plaintiff's filing is construed as a notice of voluntary dismissal as to all defendants except Molina, Jian Ma, Aubert, and Herrera.<sup>1</sup> Because no answer or motion for summary judgment has been filed, leave of court is not required and defendants Tyler, John, Prasad, Acosta, E. Moghaddam, J. Wedell, R. Saeteurn, M. Fong, Keith Myers, Yingmei Bu, and Janice Escartin are dismissed on plaintiff's notice. See Fed. R. Civ. P. 41(a)(1)(A)(i). The Clerk of the Court is directed to terminate ECF No. 14 as a pending motion.

IT IS SO ORDERED.

Dated: June 18, 2019



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DENNIS M. COTA  
UNITED STATES MAGISTRATE JUDGE

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<sup>1</sup> By separate order, the court will address service on defendants Molina, Jian Ma, Aubert, and Herrera.