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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

AARON LAMONT STRIBLING,
Plaintiff,
v.
DEENA C. FAUCETT, et al.,
Defendants.

No. 2:18-cv-0869 CKD P

ORDER

Plaintiff is a state prisoner proceeding pro se with this civil rights action filed pursuant to 42 U.S.C. § 1983. On April 25, 2018, he filed a motion for voluntary dismissal pursuant to Federal Rule of Civil Procedure 41(a)(1). Under that rule, a plaintiff may move to dismiss the action if an answer or a motion for summary judgment has not yet been filed by the opposing party. Id. The dismissal is effective on filing and no court order is required.” Wilson v. City of San Jose, 111 F.3d 688, 692 (9th Cir. 1997). “Unless the notice or stipulation states otherwise, the dismissal is without prejudice.” Fed. R. Civ. P. 41(a)(1)(B).

Pursuant to Fed. R. Civ. P. 41(a)(A), plaintiff’s motion shall be denied as moot since defendants have not filed an answer in this case.

Accordingly, IT IS HEREBY ORDERED that:

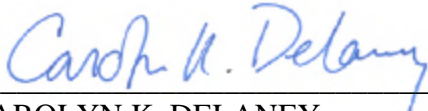
1. Plaintiff’s motion for voluntary dismissal, ECF No. 4, is denied as moot; and,

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2. The Clerk of Court is directed to close this case in light of plaintiff's voluntary dismissal of this action.

Dated: May 9, 2018



CAROLYN K. DELANEY
UNITED STATES MAGISTRATE JUDGE

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