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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

TEVIN LEE HARRIS,
Plaintiff,
v.
R. VALENCIA, et al.,
Defendants.

No. 2: 19-cv-1751 JAM KJN P

ORDER

Plaintiff is a state prisoner, proceeding without counsel, with a civil rights action pursuant to 42 U.S.C. § 1983. On March 6, 2020, the undersigned issued an order and findings and recommendations addressing plaintiff's third amended complaint. (ECF No. 22.) The undersigned found that plaintiff stated a potentially colorable Eighth Amendment claim against defendant Pleshchuck. (Id. at 22.) The undersigned separately ordered service of defendant Pleshchuck. (ECF No. 24.)

On March 6, 2020, the undersigned recommended that defendants Valencia, Swartwut and Gates be dismissed because plaintiff failed to link these defendants to the alleged deprivations. (ECF No. 22 at 4.)

On March 23, 2020, plaintiff filed a pleading titled objection to findings and recommendations and motion to dismiss defendants Valencia, Swartwut and Gates. (ECF No. 28.) In this pleading, plaintiff requests voluntary dismissal of defendants Valencia, Swartwut

1 and Gates. Good cause appearing, plaintiff's motion is granted. Fed. R. Civ. P. 41(a).

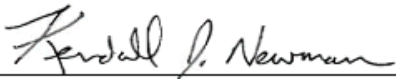
2 Accordingly, IT IS HEREBY ORDERED that:

- 3 1. The March 6, 2020 findings and recommendations (ECF No. 22) are vacated;
- 4 2. Plaintiff's motion to dismiss defendants Valencia, Swartwut and Gates (ECF No. 28)
- 5 is granted;
- 6 3. Defendants Valencia, Swartwut and Gates are dismissed.

7 Dated: March 27, 2020

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KENDALL J. NEWMAN
UNITED STATES MAGISTRATE JUDGE

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