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6 IN THE UNITED STATES DISTRICT COURT
7 FOR THE NORTHERN DISTRICT OF CALIFORNIA

8 KENNETH W. GOODLOW,)
9 Plaintiff(s),) No. C 09-5786 CRB (PR
10 vs.) ORDER OF DISMISSAL
11 C. TUCKER, et al.,)
12 Defendant(s).)
13 _____)

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15 Plaintiff has filed a "Petition to Withdraw Action Under 42 U.S.C. §
16 1983." Plaintiff's petition is construed as a notice of voluntary dismissal under
17 Federal Rule of Civil Procedure 41(a)(1) and, pursuant thereto, the above-
18 captioned matter is DISMISSED without prejudice. See American Soccer Co. v.
19 Score First Enters., 187 F.3d 1108, 1110 (9th Cir. 1999) (plaintiff's "absolute
20 right" to dismiss his action voluntarily before the defendants serve an answer or a
21 motion for summary judgment leaves no role for the court to play).

22 The clerk shall close the file and terminate all pending motions as moot.

23 SO ORDERED.

24 DATED: April 29, 2010

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26 CHARLES R. BREYER
27 United States District Judge
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