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United States District Court  
For the Northern District of California

\*E-Filed 12/29/11\*

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

PHILLIP T. EVANS,  
Plaintiff,

v.


MATTHEW CATE, et al.,  
Defendants.

No. C 11-4432 RS (PR)  
**ORDER OF DISMISSAL;**  
**VACATING ORDER OF SERVICE**

This is a federal civil rights action filed by a *pro se* state prisoner pursuant to 42 U.S.C. § 1983. Pursuant to petitioner’s motion of voluntary dismissal (Docket No. 6), this action is dismissed. *See* Fed. R. Civ. P. 41(a)(1) (“[A]n action may be dismissed by the plaintiff without order of the court . . . by filing a notice of dismissal.”); *Hamilton v. Shearson-Lehman American Exp. Inc.*, 813 F.2d 1532, 1534–1536 (9th Cir. 1987) (Rule 41(a)(1)(I) does not require leave of court to dismiss the action). The dismissal is without prejudice. *See* Fed. R. Civ. P. 41(a)(1). The order of service (Docket No. 5) is VACATED. The Clerk shall terminate Docket No. 6, enter judgment in favor of defendants, and close the file.

**IT IS SO ORDERED.**

DATED: December 29, 2011

  
RICHARD SEEBORG  
United States District Judge

No. C 11-04432 RS (PR)  
ORDER OF DISMISSAL