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

JEFFREY SYKES,

No. C 12-06070 WHA

Plaintiff,

v.

NOTICE TO CLERK TO CLOSE THE FILE

BOBBIE DAVIS and WILLIAM COLEY,

Defendants.

On November 30, 2012, defendant Bobbie Davis filed a notice of removal of an action in the Alameda County Superior Court on the basis that she was acting within the scope of her employment with the Department of Veteran Affairs with reference to the allegations in plaintiff's complaint. Defendant, who is represented by attorneys from the United States government, filed a motion to substitute the United States as defendant and to dismiss. Pro se plaintiff Jeffrey Sykes has not responded to the motion or to this Court's order to show cause, dated January 8, 2013. Documents mailed by the Clerk of the Court to plaintiff's address were returned as undeliverable (Dkt. No. 17).

On January 17, 2013, defendant filed a motion for administrative relief stating that the plaintiff had filed a request for dismissal without prejudice in the Alameda County Superior Court on November 13, 2012, which was "entered as requested" on that date and prior to the removal of this action to federal court by defendant. The removal was therefore ineffective. The Clerk is directed to **CLOSE THE FILE**.

IT IS SO ORDERED.

Dated: January 22, 2013.



WILLIAM ALSUP
UNITED STATES DISTRICT JUDGE