

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

STEPHEN DUANE CHIARA,)
Plaintiff(s),) No. C 12-6142 CRB (PR)
v.) ORDER OF DISMISSAL
M. GRATZ, Sgt., et al.,) (Docket #6 & 7)
Defendant(s).)

In response to defendants' motion for summary judgment, plaintiff has filed a letter requesting that the court "drop this case." Docket #7 at 1.

The court construes plaintiff's letter as a request for voluntary dismissal under Federal Rule of Civil Procedure 41(a)(2) and, after due consideration, grants the request for dismissal without prejudice. See Hamilton v. Firestone Tire & Rubber Co., 679 F.2d 143, 145 (9th Cir. 1982) (when request for dismissal is filed after answer or motion for summary judgment, court must exercise its discretion to determine whether to allow dismissal and, if so, whether the dismissal should be with or without prejudice).

The clerk is instructed to enter judgment in accordance with this order, terminate all pending motions as moot and close the file.

SO ORDERED.

DATED: July 30, 2013


CHARLES R. BREYER
United States District Judge