

United States District Court  
For the Northern District of California

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

WILLIAM D. BROWN II,  
Plaintiff,

v.

WARDEN BEN CURRY,  
Defendant.

No. C 07-05339 CW (PR)

ORDER DIRECTING CLERK OF COURT  
TO TERMINATE ACTION

Pursuant to the notice of voluntary dismissal of this action filed by Plaintiff on January 28, 2008, this action is terminated. 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) (unless plaintiff's notice of dismissal states otherwise, it is deemed to be "without prejudice"); Humphreys v. United States, 272 F.2d 411, 412 (9th Cir. 1959).

The Clerk of the Court shall close the file. Plaintiff's in forma pauperis application is DENIED. All pending motions are terminated as moot.

IT IS SO ORDERED.



\_\_\_\_\_  
CLAUDIA WILKEN  
UNITED STATES DISTRICT JUDGE

Dated: 2/5/08

UNITED STATES DISTRICT COURT  
FOR THE  
NORTHERN DISTRICT OF CALIFORNIA

WILLIAM D. BROWN II,

Plaintiff,

v.

WARDEN BEN CURRY et al,

Defendant.

Case Number: CV07-05339 CW

**CERTIFICATE OF SERVICE**

I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S. District Court, Northern District of California.

That on February 5, 2008, I SERVED a true and correct copy(ies) of the attached, by placing said copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing said envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery receptacle located in the Clerk's office.

William Odessa Brown K-93463  
CAL  
P.O. Box 5002  
Calipatria, CA 92233-5002

Dated: February 5, 2008

Richard W. Wieking, Clerk  
By: Sheilah Cahill, Deputy Clerk

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